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ARCHIVES OF MARYLAND

PROCEEDINGS

OF THE

COUNCIL OF MARYLAND

1732—1753

PUBLISHED BY AUTHORITY OF THE STATE, UNDER THE DIRECTION
OF THE MARYLAND HISTORICAL SOCIETY

WILLIAM HAND BROWNE
Editor

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ROOMS OF THE MARYLAND HISTORICAL SOCIETY,

BALTIMORE, *April* 30, 1908.

To the Maryland Historical Society:

GENTLEMEN:

We have the honor to submit the Twenty-eighth Volume of the Maryland Archives, being the Proceedings of the Council of Maryland from April 15, 1732, to July 26, 1753.

Respectfully,

CLAYTON C. HALL,
HENRY STOCKBRIDGE, JR.,
BERNARD C. STEINER,
Committee.

ARCHIVES OF MARYLAND.

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PROCEEDINGS AND ACTS OF THE GENERAL ASSEMBLY, 1637/8–1664, 1883

II.
PROCEEDINGS AND ACTS OF THE GENERAL ASSEMBLY, 1666–1676, - 1884

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PREFACE.

Intimations that the scheme of connecting the northern and southern French possessions in America by a cordon of fortified posts enveloping the British colonies was about to be carried out, and the certainty that a short time would bring about the final struggle for the possession of North America, kept the minds of far-seeing men in a state of constant anxiety. The news, therefore, of the establishment of a French post at Crown Point in British territory, within three days' march of Albany, was very alarming, and emphasised the importance of keeping the Iroquois tribes friendly to the British as a counterpoise to the Algonkin tribes, or "Canada Indians," as they were called, on whom the French placed much reliance.

Other troubles there were in abundance; among the rest that old grievance of the over-production of tobacco, and its consequent low price. Attempts had been more than once made to restrict the production, but without success. Now some of the people took the law into their own hands; and bands of men rode about cutting down the growing plants, so that militia had to be held in readiness to put a stop to such proceedings.

The boundary troubles with Pennsylvania also took on an acute form. Although the fortieth parallel of north latitude had been fixed by the charter as the northern boundary of Maryland, William Penn had seized a strip some fifteen miles wide lying south of this boundary, and held on to it with obstinate tenacity. His sons followed their father's policy; and a matter so simple as the determining a parallel of latitude gave rise to a prodigious chancery suit where the whole issue was so tangled up with chicanery and its usual adjuncts that no man could foretell the issue.

While this suit was pending, gangs of Pennsylvanians, if not at the instigation, certainly with the connivance of the Pennsylvania authorities, and under their protection, made forays into Maryland, burning settlers' houses and haling the inhabitants to jail.

To remedy this state of things, Charles, Lord Baltimore, came over in the winter of 1732 and remained a few months, but effected nothing, and the troubles continued until 1738, when they were partially checked

by an Order in Council, pending the final decision of the Court of Chancery.

In 1740 Maryland became mixed up to a slight extent with a European crisis. The growth of contraband trade had forced Spain to organise a system of *guardacostas*, or cruisers to protect the coasts of her American possessions, and these, it was alleged, had perpetrated great outrages and cruelties on English merchant vessels. For these Spain agreed in 1739 to pay an indemnity of £97,000. But the party opposed to Walpole, who had negotiated the treaty, declared that this was not enough, but that Spain must be compelled to renounce the right of search. The particular case of a Captain Jenkins who had been barbarously maltreated, and had had his ear cut off, was used to inflame the public mind; and hence the war which followed is sometimes called "the war of Jenkins's ear." Popular indignation rose to such a height that the pacific Walpole was forced to yield and declare war, adroitly placing it on the ground that Spain had broken the treaty by defaulting in the payment of the indemnity.

A call was made upon the British American colonies to furnish troops for operation against Spain's American possessions, and Gov. Ogle bestirred himself in enlisting Maryland's contingent of three companies. The expedition, commanded by General Wentworth and Admiral Vernon, attacked Cartagena, a strongly fortified place on the mainland, but the attempt resulted in disastrous failure. The troops suffered frightfully from pestilential disease, and probably few of the Marylanders returned to their homes.

The death of the Emperor, Charles VI, in 1742, kindled a war throughout Europe. Great Britain managed to keep out of it for a while; but war with France was declared in 1744/5, and proclaimed in the colonies, which might expect hostilities on the side of Canada. As the French relied much on the services of their Indian allies, the colonists took great pains to confirm the friendship of the Iroquois confederacy.

The news of the capture of Louisburg, the strongest fortress on the continent, with the island of Cape Breton, by a combined British and colonial force in 1745, thus making a breach in the French cordon, was received with great joy in Maryland. The British government now embarked upon a plan for the complete reduction of Canada, and the colonies were called upon for their quotas of men, Maryland's share being three companies, which were promptly raised and despatched to New York.

In 1747 Gov. Shirley, of Massachusetts, took a step which was to have far-reaching consequences. He appointed commissioners to meet commissioners for the other colonies in a general colonial congress, to be held at New York, to concert measures for the conduct of the war and for confirming the alliance with the Iroquois.

These apprehensions of the French, and the news of the Jacobite rebellion of 1745, had re-awakened the old suspicions of the Roman Catholics, whom the ignorant and credulous populace had been taught to regard as potential traitors and conspirators, however inoffensive their lives might be. One priest, who had perhaps been a little unguarded in speech, was arrested and brought before the Governor for censure. But the fair-minded Bladen was a different man from the coarse and bigoted Seymour, and the mild admonition to avoid in the discharge of their religious duties anything that might give cause for suspicion seems like a return to the early days of the Province.

In 1747 the Jacobite prisoners whose sentences had been commuted to penal servitude in the colonies began to arrive. They seem to have been generally treated with humanity and not regarded as ordinary criminals. In many cases those who bought their services gave them permission to go anywhere within the Province, or assisted them in taking up some craft or calling.

In April, 1748, preliminaries for peace were signed at Aix-la-Chapelle, and hostilities ceased for a time, and a peace soon followed, while the powers made ready for the final struggle to determine whether North America was to be British or French.

On April 24, 1751, Charles, Lord Baltimore, died, and the title and Proprietaryship descended to his son, Frederick, sixth and last Lord, who was then a minor.

On May 3, 1752, the excellent Governor, Samuel Ogle, died, and his place was temporarily filled by Benjamin Tasker, President of the Council.

The Gregorian was substituted for the Julian calendar in 1752, and we note the first date under the New Style on p. 531.

PROCEEDINGS

OF THE

COUNCIL OF MARYLAND.

CHARLES CALVERT, LORD BALTIMORE,
Proprietary.

SAMUEL OGLE, ESQ.
Governor.

1732.

At a Council held in the Council Chamber at the City of Annapolis on Saturday the fifteen Day of April Anno Domini 1732 Lib. M.

Present p. 52

His Excellency Samuel Ogle Governor

The Honble
Charles Calvert Esq[r]
Coll Will[m] Holland
Philemon Lloyd Esq[r]
Col Richard Tilghman
Col Matthew Tilghman Ward
Benjamin Tasker Esq[r]
Philip Lee Esq[r]

His Excellency lays before this Board the following Papers and Letters in Relation to the French their building a Fort at Crown Point

New York 26[th] february 1731

S[r]

Having received the Enclosed Information of the Commissioners for the Indian Affaires at Albany dated 25[th] of Septem[r] last relating to the French Encroachm[ts] on this his Majestys Province by building a Fort on the Kings Lands. I looked upon the same as a Matter of Great Consequence not only to this but to all his Majestys Provinces on this Continent & therefore laid the same before the General Assembly of this Province then sitting on 30[th] of Septem[r] then Instant, who thereupon resolved to desire me to lay the same before his Majesty and that I would order the said Commissioners of the Indian Affairs to imploy fit Persons amongst the six Nations of Indians to dispose them to prevent the French from annoying or disturbing our Trade; and that I would acquaint the several Governors of the Massachusets Bay, Connecticut, and Pensylvania therewith in as much as the said Attempt concerns them likewise, which I accordingly did

And in Answer thereunto had sent me a Resolve of the General Assembly of the Massachusets Bay a Copy whereof herein enclosed of 14[th] of January last together with a Letter from his Excellency the Governor of 16[th] of the s[d] month wherein he assures me of his Readiness to do what the Assembly had resolved

All which being communicated by me to the Gentlemen of his Majestys Council here they resolved on 11[th] Instant to desire me to write to the Governors or Commanders in Chief of Virginia, Maryland, and New Jersey to advise them of the Premises & to desire according to the Example of the Government of the Massachusets Bay they would be pleased to direct

Lib. M. their several Agents in Great Britain to joyn with the Agents of this Province in any Solicitations or Representations that shall be made to his Majesty concerning the said French Encroachments

I have therefore thought it my Duty to inform your Excellency hereof, not at all doubting but that you are well satisfyed what the evil Consequences by such Encroachm^{ts} might be (We know not how soon) to all his Majestys Provinces on this Continent, and therefore to request you that You would be pleased to send the necessary Orders to your Agent in Great Britain to joyn with Ours and those of the Massachusets Bay in a Representation to his Majesty and to beg his Royal directions in this Behalf whereby the fatal Consequences of such and the like Encroachments may be prevented I rest in Expectation of your Exc^{ys} Answer and remain

S^{r} Your most humble Obedient Servant
Rip Van Dam

The Gov^{r} of Maryland

p. 53 Present
Evert Banker
Ruigert Blyher
Stefanus Groesbeek
Johannes Cuyler
Nicolas Blyher
Duih Ten Broek
Evert Wendell
Johannes Lansing

At a Meeting of the Commissioners for the Indian Affairs at Albany Septem^{r} 25th 1731

Mess^{rs} Johannes Evertse Wendel and Isaac Kip being yesterday arrived from Canada, this Board having desired to speak with them, they do say that in their going up thither, they found the French employed in erecting a Fort at the Crown Point on the South End of Corlaers Lake, near the carrying Place above Saragtoge, in which Work there was Eighty odd Men concerned, which at their Return they found compleated and inclosed with Stockadoes, and likewise they have finished a house of forty foot, and were busy to erect Two more, who design to strengthen the same by inclosing it with a Stone Wall next Spring as the aforesaid Gentlemen were credibly informed in Canada; the af^{d} Mess^{rs} likewise say that they have heard that the French positively design to go up next Spring with Two hundred Men to Trederondequatt, w^{ch} is on the South Side of Caderochque Lake above Oswego near the Senekees Country in order to stop the English Trade at Oswego; they say also (as they are informed) that John Cure was going out to bring over to the Interest of the French a New Settlement of Indians above Najagero, who have been in Command with the Inhabitants of the Province of Pensylvania

A true Copy examined and compared by me
N: York 11th feb^{ry} 1731 Rip Van Dam

This Crown Point is but 3 Days Journey from Albany

Province of the Massachusets Bay In Council 14th Janry 1731 Lib. M.

Voted that his Excellency be desired to write to the Honble Mr Van Dam President of his Majestys Council at New York in Answer to his Letter dated the 9th of October last to signify to him that if that Government shall think proper to send a Commr to the Governor of Canada to remonstrate against his Proceedings in erecting a Fort at Crown Point whithin the Dominions of his Majesty of Great Britain, and to insist upon demolishing the same, and his withdrawing the Forces therefrom; This Government upon seasonable Notice thereof will readily contribute their Proportion of the Charges thereof, or send some suitable pson to accompany the Commr of New York: And in as much as the five Nations of Indians under the Dominion of Great Britain are particularly affected by the said Encroachment that his Excy be desired to write to Mr Van Dam to ingage them to joyn these Governments in the said Affair, and that this Province will in the mean time take Care to instruct the Agent for this at Great Britain to joyn with the Agent of New York in an humble Representation of this Affair to his Majesty for his Direction therein

Sent down for Concurrence John Willard Secry

In the house of Representatives read and Concurred January 14th 1731 John Quincy Speaker

Copy Examined John Wilward Secretary

Copia from the Original Examined by me N. York 11th february 1731 Rip Van Dam.

At a Council held at Fort George in New York 11th of February 1731 Present p. 54

The Honourable Rip Van Dam Esqr President

Mr Clarke	Mr Kennedy
Mr Alexander	Mr Delancey
Mr Provoost	Mr Courtland

The President desiring the Opinion of the Board with Respect to what further Steps that may be necessary to be taken with Relation to the French their building a Fort at Crown Point This Board is of Opinion that it would be necessary for his Honour to write to the President of the Province of New Jersey, and also to the Governors of Virginia and Maryland acquainting them therewith, and also that the President should send to Each of them severally a Copy of that Letter that the President

Lib. M. received from the Gov[r] of Boston in answer to One sent from the President to him concerning the said Affair, or to acquaint them severally with the Substance thereof and also that it would be further necessary for his Honour in his Letters to each of the said respective Governors or Commanders in Chief of the Colonies aforesaid to request that they would direct the several Agents for their respective Colonies to joyn with the Agent for this Province in any Solicitations or Representations that should be made to his Majesty concerning the said French Encroachments

Secrys Office N: York February 11[th] 1731
A true Copy from the Minutes of Council
Frederick Morris D Cl Coun.

All which aforegoing Papers being read at this Board, it is advised, and resolved that Copies of the said Papers be transmitted by his Excellency the Governor to England, that an Agent for this Province may joyn with the several Agents for the other Governments in any Solicitations or Representations that may be made to his Majesty concerning the s[d] french Encroachments.

His Excellency acquaints this Board that he has nothing of Moment to lay before the Assembly which stands prorogued to the 12[th] Day of may next, and desires their Advice to what further Time to prorogue the same, who are of Opinion that the second Tuesday in July next being 11[th] Day of the same Month is the most convenient Time; to which Time His Excellency is pleased to order that the same be prorogued, and that Proclamations issue accordingly; which issued in the usual manner

At a Council held in the Council Chamber on Tuesday the Eighteenth Day of April in the Eighteenth Year of his Lordships the Lord Prop[rys] Dominion Annoq Dni 1732

Present

His Excellency Samuel Ogle Governor

The Honble { Charles Calvert Esq[r] / Philemon Lloyd Esq[r] / Col Rich[d] Tilghman } { Col. Matt: Tilghman Ward / Benjamin Tasker Esq[r] / Philip Lee Esq[r] }

p. 55 His Excellency the Governor acquaints this Board that he has nominated Michael Howard Esq[r] and George Plater Esq[r] Members of his Lordships Honorable Council and that they are now attending in Order to their Qualification

Whereupon the said Michael Howard and George Plater Esq^rs^ take the several Oaths to the Government appointed by Act of Assembly and likewise the Oath of a Councillor, and severally subscribe the Oath of Abjuration and Test, and then take their Places at the Board accordingly Lib. M.

At a Council held in the Council Chamber on Tuesday the twenty fifth Day of April in the Eighteenth Year of his Lordps the Lord Proprietary's Dominion Annoq Domini 1732

Present

His Excellency Samuel Ogle Governor

The Honble { Charles Calvert Esq^r^ / Philemon Lloyd Esq^r^ / Col Matt: Tilghman Ward } { Benjamin Tasker Esq^r^ / Michael Howard Esq^r^ / George Plater Esq^r^ }

His Excellency produces to this Board a Paragraph of a Letter from the Govern. of Pensylvania, and also a Copy of a Letter which was sent from Samuel Blunston a Magistrate of Lancaster County to M^r^ Charles at Philadelphia, complaining of some ill Treatment used by One Cressap an Inhabitant of this Province to some Indians living at Conestogoe

Advised that His Excellency be pleased to write to Cressap to come down to him at Annapolis, and that he inform Cressap, so long as he behaves himself well, he shall be protected from any Insults of the Pensylvanians; and that it is the best Method for him to live in Peace and Friendship with the Indians; and it is also advised that his Excellency use what means he thinks most convenient to induce Captain Civility and the rest of the Indians to come down to Annapolis to renew the Articles of Peace and Friendship already entered by them with this Government

At a Council held in the Council Chamber on Tuesday the ninth Day of May in the Eighteenth year of his Lordships the Lord Proprietarys Dominion Annoq Domini 1732

Present

His Excellency Samuel Ogle Governor

The Honble { Charles Calvert Esq^r^ / John Hall Esq^r^ / Philemon Lloyd Esq^r^ } { Col Matt: Tilghman Ward / Benjamin Tasker Esq^r^ / Philip Lee Esq^r^ }

His Excellency acquaints the Board that he has received Information by Letter from the Sheriff of Prince Georges p. 56

Lib. M. County, and by Report from several other People, that many the Inhabitants of this Province have met in several Places thereof in a tumultuous manner and cut up Tobacco Plants growing on many Plantations without Leave of the Owners of the said Plantations, and desires their Advice what is necessary to be done relating thereto, who are of Opinion that Proclamations ought to issue immediately promising a Reward therein of fifty Pounds to any Person who shall discover any of the Principal Offenders, so as they be convicted thereof by due Course of Law; which Proclamation being prepared, is read & agreed to by this Board, and ordered to issue accordingly

Maryland ss.

By His Excellency Samuel Ogle Esq^{r} Governor & Commander in Chief in and over the Province of Maryland.

Whereas I have received certain Information that many ignorant and unwary People have met in a riotous manner in several Parts of Prince Georges County and cut up the Tobacco Plants growing on the Plantations of great Numbers of the Inhabitants of that County and threatened to carry on the like violent and unwarrantable Practices in other Parts of the Province in open Violation of the Laws of their Country and to the Disturbance of the Publick Peace which unlawful Proceedings have very probably been fomented & carryed on by the Artifices of a few evil minded People under pretence of the Publick Good (which is the proper Care of the Legislature and Government, and cannot be attained by popular Tumults) in hopes to accomplish Designs they dare not own unless they can delude the unwary Multitude and involve them in so much Guilt as may render them desperate, otherwise a People remarkable for their peaceable behaviour and Disposition could not have been prevailed to do such Acts of Violence as may be ruinous to many families & from which the Publick or any particular Person cannot possibly derive any Advantage To the End therefore that such unlawful Practices may be suppressed, the peaceable Subject secured in the Enjoyment of his Property, the misled People undeceived, and the fomentors and Authors of the Publick Disturbances duely punished I have thought fit with the Advice of his Lordships Council of State to issue this my Proclamation, forbidding all Riots Routs and unlawful Assemblys and strictly charging all his Lordships Offic^{rs} Civil and Military to exert their Authority in suppressing and apprehending all Rioters Routers or Other Disturbers of the Publick Peace, and more Especially charging and commanding the several

Sheriffs within this Province from Time to Time and as Lib. M.
often as there shall be Occasion to raise the Power of their Counties in Order to preserve the Peace and to secure & apprehend all Disturbers thereof that they may be prosecuted according to Law And I Do hereby promise a Reward of fifty Pounds to any Person who shall discover any of the said Principall Offenders for Every One of them who shall be duely convicted according to Law, and do Declare that all who have been seduced and misled by such Incendiaries to disturb the Public Peace as herein before mentioned shall be P. 57
pardoned provided they immediately desist from these seditious and unlawful Practices And that none may pretend Ignorance I do hereby strictly charge the several Sheriffes within this Province to publish this my Proclamation at all Churches Chappels Courthouses & other the most publick Places within their Counties whereof they are not to fail at their Peril Given at Annapolis this ninth Day of May in the Eighteenth year of his Lordship's the Lord Proprietary's Dominion &c Annoq Domini 1732.

Ordered that the Clerk of this Board write to the Commanding Officers of the Militia in the several Counties to get the Militia of their Counties in Readiness to aid the Sheriff, in Case he should want their Assistance to disperse the People met in such tumultuous Manner, as is mentioned by the above Proclamation; which Letters were wrote and sent accordingly

His Excellency enquires of the Board that the best Method to know the State of the Militia in the several Counties of the Province; Advised that Letters be wrote to the Comanding Officers of the Militia therein, who alone are best able to give his Excellency a true Account of the State of the Militia in their said Counties

At a Council held at the House of his Excellency the Governor on Wednesday the 31st Day of May in the 18th Year of his Lordships Dominion Annoq Domini 1732

Present

His Excellency Samuel Ogle Esqr Governor

The Honble	Charles Calvert Esqr	Benjamin Tasker Esqr
	Col Richard Tilghman	Michael Howard Esqr
	Col Matt: Tilghman Ward	George Plater Esqr

His Excellency acquaints the Members of this Board that he has appointed John Ross Clerk of his Lordships Council of State in this Province, and thereupon the said John Ross

Lib. M. produces his Excellencys Commission to him given for the same, on the back of which it appears that the said John Ross has taken before Robert Gordon Esq[r] One of his Ldps Justices of the Provincial Court the several Oaths appointed to be taken by Act of Assembly and subscribed the Oath of Abjuration and Test, and the said John Ross taking before this Board the usual Oath for due Execution of the said Office is accordingly admitted, the Tenour of which Commission is as follows

Maryland ss

Charles Absolute Lord and Proprietary of the Provinces of Maryland and Avalon Lord Baron of Baltemore &c To Our trusty & welbeloved John Ross of the City of Annapolis in Our Province of Maryland Greeting Forasmuch as We do repose special Trust and Confidence in your Integrity Fidelity
p. 58 Skill & Cuning in Clerkship We have thought fit and do by these Presents give and grant unto You the said John Ross the Office of Clerk to Our Governor and Council of Maryland hereby appointing authorizing and impowering You to have hold exercise use and enjoy the s[d] Office, & to take and receive to your own proper Use and Behoof as well the Salary usually allowed as also all and singular other the Rights Profits Perquisites and Advantages thereto belonging or in any wise appertaining in as ample manner as any of the Clerks to Our said Governor & Council have used To have hold exercise receive and enjoy the same for and during our Good Will and Pleasure Witness Our trusty and welbeloved Samuel Ogle Esq[r] Our Governor & Commander in Chief in and over the Province of Maryland this fourth Day of May in the Eighteenth Year of Our Dominion Annoq Domini 1732

{ Great Seal }

His Excellency lays before the board a Letter with the following Superscription

To Your Excellency the Governor living in Annapolis with Great Care These

January the 12, 1731/2

To your Excellency of Maryland and Esq[r] Lloyd, and if it please You Sir I Captain Civility makes bold with these few Lines, for I am heartily sorry to hear as Maryland should deprive us of that Spot of Land as we have held hitherto for I certainly did hear as their Intention is to take it from Us if possible but I hear You intend to come and run Land out

above Andahetem, and I heartily desire you not to do it for Lib. M.
You have already run Land out at Cohungaruto and put your family to live there which We are very much disturbed and I would have you not to press too much upon Us for We have give no body Land yet but Israel Friend at the mouth of Andahetem and I shall consider with the rest of my Brothers what to do for as We are but Indians You must not think to force Us out of Our own No more at present but We remain Your Servants all the five Nations

his
Captain + Civility
mark
his
Toyl HT Hangue
mark

Advised, if the Means already used by his Excellency the Gov^{r} to perswade Captain Civility and the Other Indians to come down to Annapolis should fail, that his Excellency would be pleased to write a Letter himself to the [Captain] Civility to perswade him thereto

14th July 1732

Ordered by his Excellency the Governor that a Proclamation issue in the following Words

Maryland ss

By His Excellency Samuel Ogle Gov^{r} & Commander in Chief in & over the Province of Maryland

A Proclamation

Whereas I have received certain Information by an Ad- p. 59
dress from the Honourable the Lower House of Assembly that some obscure and inconsiderable Persons have presumed to address a great Number of infamous and scandalous Libels to several Members of the said house, highly reflecting on the Right Honourable the Lord Proprietary and the whole Legislature, I have therefore thought fit pursuant to the said Address with the Advice of his Lordships Council of State to issue this my Proclamation, promising thereby the Sum of Fifty Pounds Current money to any Person or Persons that shall make discovery before some Magistrate of any Author or Authors Disperser or Dispersers of the said Libels so that the said Offender or Offenders shall be convicted thereof by due Course of Law, and I do hereby strictly charge and Command the several Sheriffs of this Province to make this my

Lib. M. Proclamation immediately publick in their respective Counties in the usual manner as they will answer the Contrary at their Peril. Given at the City of Annapolis this fourteenth day of July in the Eighteenth year of His Lordships the Lord Proprietarys Dominion Annoq Domini 1732

{ Great Seal } J Ross Cl Conc.

At a Council held in the Council Chamber on Tuesday the Eighth Day of August in the Eighteenth Year of His Lord ships Dominion Annoq Domini 1732

Present

His Excellency Samuel Ogle Esq^{r}

The Honble	Charles Calvert Esq^{r}	Benjamin Tasker Esq^{r}
	Philemon Lloyd Esq^{r}	Col John Rider
	Col Richard Tilghman	Michael Howard Esq^{r}
		George Plater Esq^{r}

His Excellency lays before the Board the following Petition

To His Excellency Samuel Ogle Esq^{r} Lieutenant General & Comm. in Chief in and over the Province of Maryland

The Petition of Charles Slye

Most humbly Sheweth

That whereas your Excellencys Petitioner is a Native of this Province and has served the Crown of Great Britain as a Souldier for the space of thirty years and upwards; and being
p. 60 qualified in military Discipline for handling of Arms for Horse and foot with great Dexterity and hopes that upon Tryall he shall give your Excellency full Satisfaction of his Capacity in that Affair

May it therefore please your Excellency to appoint your Petitioner Adjutant over the Militia of this his Lordships Province with a Competency for his Support such as to your Excellency shall seem meet

And your Excellencys Petitioner as in Duty bound shall ever pray &c.

Advised that his Excellency be pleased to appoint him the said Charles Slye Adjutant of this Province; and that for his Care and Trouble in the Execution of his Duty; an Allowance of forty Pounds Sterling be made him for One Year; out of the money already raised from the Duty of Three Pence ꝑ hh^{d} for Arms; to which his Excellency agrees; & Orders Commission to issue in the following Words

Maryland ss Lib. M.

Charles Absolute Lord and Proprietary of the Provinces of Maryland and Avalon Lord Baron of Baltimore To Charles Slye of S[t] Marys County Gent Greeting We considering that Arms without the Knowledge of the Use of them are fruitless and having an Especial Care of the Safety and Preservation of this Our Province have thought fit and necessary that the Inhabitants thereof should from time to time be exercised and trained in the Use of Arms that if Occasion should require they may be more ready and able to defend as well themselves as Us and Our Rights and We having Experience of your knowledge and Ability in Martial Affairs and of your Fidelity to Us have thought fit and do by these Presents constitute and appoint You the said Charles Slye to be Adjutant of this Our Province willing and requiring You as often as conveniently may be to exercise train and muster the several Troops and Companies of the Militia in the several Counties within Our said Province willing and requiring You and Every the Officers Non Commission Officers and Souldiers to yeild all ready and due Obedience to this my Commission To have and to hold the said Office of Adjutant during Our good Will and Pleasure Witness Our trusty and Welbeloved Samuel Ogle Esq[r] Governour & Commander in Chief in and over Our said Province this Eighth Day of August in the Eighteenth year of Our Dominion &c Annoq Domini 1732

{ Great Seal }

His Excellency acquaints the Board that he draw an Order upon Col Samuel Young Treasurer of the Western Shoar payable to John Young for his Years Salary for cleaning the Arms &c Ending Eleventh of Jan[r] last

At a Council held at the house of his Excellency the Gov- p. 61
ernor on Saturday the twenty first Day of October in the Eighteenth year of his Lordps Dominion Annoq Dni 1732

Present

His Excellency Samuel Ogle Esq[r] Governor

The Honble { Charles Calvert Esq[r], Philemon Lloyd Esq[r], Col Matt Tilghman Ward } { Benjamin Tasker Esq[r], Michael Howard Esq[r] }

His Excellency acquaints the Board that he has nominated Edmund Jennings Esq[r] a Member of His Lordships Honourable Council, and that he now attends in Order to his Qualification

Lib. M. Whereupon Edmund Jennings Esq^{r} takes the several Oaths to the Government appointed to be taken by Act of Assembly, and likewise the Oath of a Councillor, and subscribes the Oath of Abjuration and Test, and takes his Place at the Board accordingly

His Excellency acquaints the Board that he has nothing of Moment to lay before the Assembly which stands prorogued to the fourth Tuesday in Novem^{r} next, and desires their Advice to what further Time to prorogue the same, who are of Opinion that the second Tuesday in March next being the fourteenth Day of the same Month is the most convenient Time; to which Time his Excellency is pleased to order that the same be prorogued; and that Proclamations issue accordingly; which issued in the usual Manner.

PROCEEDINGS

OF THE

COUNCIL OF MARYLAND.

CHARLES CALVERT, LORD BALTIMORE,
Proprietary.

1732–1733.

HIS LORDSHIP IN PERSON.

At a Council held at the House of the Right Honourable the Lord Proprietary in the City of Annapolis on Monday the Eleaventh Day of December in the 18th Year of His Ldps Dominion Annoq Dni 1732 Lib. M.

Present

The Right Honourable the Lord Proprietary

Charles Calvert Esqr
Col Richard Tilghman
John Rousby Esqr
Benjamin Tasker Esqr
Michael Howard Esqr
Edmund Jenings Esqr

Ordered that the Clerk of this Board write to the several Sheriffs of this Province requiring them to give Notice to the Gentlemen of the Assembly in their Counties that they are to meet to proceed to Business at the time appointed by the last Proclamation p. 62

The following Abstract of the several Naval Officers Accounts being laid before this Board

Dr The Province of Maryland To the Rt Honble Charles Ld Baltimore

	£	s.	d.
Septr 29 1732 To the Sum of Sterling money directed to be paid to his Ldp by an Act of Assembly made at the City of Annapolis the 21st day of May Anno 1730 Out of the Duties of 3s p hogshead and 3l p hhd on all Tobacco exported out of the said Province between the 29th Day of September 1731 and the 29th day of September 1732	4283	08	0
Cr By the Acct of Benjn Tasker Esqr Naval Offr of Port Annapolis for 8948 hhds of Tobo exported between 29th day of Septr 1731 & 29th day of Septr 1732 at 3s Sterling p hhd is	1342:	04:	0
By the Account of George Plater Esqr Naval Offr of Port Patuxent for 4764 hhds of Tobo exported between 29th day of Septr 1731 & 29th day of Septr 1732 at 3 p hhd is	714:	12:	0
By the Acct of Philip Lee Esqr Naval Offr of Port Potomock 5994½ hhds 79 hhds whereof were exported Duty free between the 29th of Septr 1731 & 29th of Septr 1732 the remaining sum being 5915½ hhd at 3s p hhd is	887:	06:	6

Lib. M. By the Acc[t] of Sam[l] Chamberlin Dep[ty] Naval Off[r] of Port Oxford 682 hh[ds] exported between 29[th] of Sept[r] 1731 & 15[th] Dec[r] 1731, 229 hh[ds] whereof were exported Duty free the remaining Sum being 453 hh[ds] at 3[s] ℔ hh[d] is 67: 19: 0

By the Acc[t] of W[m] Tilghman Dep[ty] Naval Off[r] of Port Oxford from 15[th] of Dec[r] 1731 to 29[th] of Sept[r] 1732 was exported 2560 hh[ds] at 3[s] ℔ hh[d] 384: 00: 0

By the Acc[t] of Col Arnold Elzey Naval Off[r] of Port Pocomoke for 669½ hh[d] Tob[o] & exported between 29[th] of Sept[r] 1731 & 29[th] Sept[r] 1732 at 3[d] ℔ hh[d] 100: 08: 6

By the Ballance still rem[g] due to his Lordship 786: 18: 0

4283: 08: 0

The above Account being examined with the several Navall Officers Accounts.

p. 63 Ordered that the Treasurer of the Eastern Shoar pay to Matthew Tilghman Ward Esq[r] Agent of the Right Honourable the Lord Proprietary the sum of Seven hundred Eighty six Pounds Eighteen Shillings Sterling out of the money arising from the Duty of Three pence ℔ hh[d] for Arms &c or so much thereof as remains in his hands; and it is ordered that the Treasurer of the Western Shoar pay the remaining Part of the said Seven hundred Eighty Six Pounds Eighteen Shillings out of the money arising from the Duty of Three Pence ℔ hh[d] for Arms &c, which said Sum of Seven hundred Eighty six pounds Eighteen Shill is due unto the Right Honourable the Lord Proprietary on Account of 5246 hh[ds] of Tobacco exported short of the Number of 28556 hh[ds] of Tobacco from 29[th] of Septem[r] 1731 to 29[th] of Septem[r] 1732 as by an Act of Assembly made at a Session of Assembly Anno 1730 is directed.

At a Council held at the House of the Right Honourable the Lord Proprietary in the City of Annapolis on Thursday 14[th] Day of December in the Eighteenth year of his L[dps] Dominion Annoq Domini 1732

Present

The Right Honourable the Lord Proprietary

The Honble { Charles Calvert Esq[r] / Col Tilghman / Benj[n] Tasker Esq[r] } { Michael Howard Esq[r] / Edmund Jenings Esq[r] }

The Right Honourable the Lord Proprietary lays before this Board the following Depositions Lib. M.

John Lowe aged about forty Years of Baltimore County Planter being Sworn on the Holy Evangelists of Almighty God deposeth and saith that on the twenty sixth Day of November last past about the dead time of the Night He this Deponent being asleep with his Wife and Children in Bed was awakened by a Noise and Crying out of People saying; Run to this Door, Run to that Door, whereupon this Deponent arose & sat up in his Bed and asked what was the Matter? Thereupon two men came to this Deponents Bed side, and One of them (whose name is James Pattison) drew a Pistol from his Side, and the other Person (whom this Deponent afterwards perceived to be a Constable of Lancashire County in Pensylvania) clapt his Hand upon this Deponent and said, that you (This Deponent meaning) are my Prisoner (The Prisoner of him the said Constable meaning) whereupon this Deponent got out of Bed and put on his Cloaths and went to the Chimney and after this Deponent had put on his Cloaths This Deponent told them That We (the Marylanders meaning) had got Officers and Commissioners in our Province and County (the Province of Maryland and County of Baltimore meaning) To which James Pattison af[d] made answer, You need not talk of your Province for I will try the Country by the Strength of Men; and the said Pattison also told this Depon[t] that he this p. 64
Deponent must go with them. This Deponent then said that he would not go with them, then the Person af[d] who was the Constable laid hold of this Deponent, and this Deponent shoved the Constable from him, upon this near six Men fell upon this Deponent and got this Deponent down upon the Floor, and One of them took & held his Gun up and said Damn him for an Old Son of a Bitch I will kill him; then they violently halled this Deponent out of the Doors of his own house and when they had got this Deponent out of Doors they dragged this Deponent on the Ground near fifteen or twenty Yards and pulled off one of this Deponents Shoes Hat and Cap and almost throttled this Deponent, and then taking hold of this Deponent, they forced this Deponent to go over Susquehannah River on the Ice, this Deponent having only One Shoe on and without Hat or Cap and when they had got this Deponent over Susquehannah they kept him in Custody the remaining Part of the Night and the next morning carried this Deponent before Samuel Blunston and John Wright (who this Deponent was informed were Justices of Lancaster County) That the said Blunston and Wright they read over to this Deponent an Affidavit or Infirmation which contained (to the best of this Deponents Knowledge) That One of this

Lib. M. Deponents Sons should say that he would kill all the Creatures and this Deponent saith that he doth not remember any thing informed or sworn against this Deponent, and then said Blunston said he had done with this Deponent and dismissed him And this Deponent saith that there were (to the best of this Deponents belief) about fifteen Persons in Company who came to this Deponents house and assisted in the Matter aforesaid but this Deponent saith that he only knows the Names of the following Ten (viz.) Charles Jones James Patison, Alexan^{r} M^{c}Key, John Capper, John Hart, John Pattan, James Pattan, James Pattison jun^{r} John Trotter and William Macmanac And this Deponent further saith that the in Manner af^{d} but also violently pushed this Deponents Wife back into the house when ever she came to see what they intended to do with this Deponent And this Deponent further saith that the Persons af^{d} seized on and pulled this Depon^{ts} two sons out of Bed and some of them broke the head of One of his Sons, and then forced this Deponents two Sons along with this Deponent on the Ice over the River to the said Blunston and Wright who after Examination of them bound this Deponents two sons over to appear at Lancaster County Court the first Tuesday in february next, and this Deponent saith that he this Deponent and Edward Evans were Sureties for the Appearances of both this Deponents Sons at the Day and Place af^{d} And this Deponent further saith that he is in very great fear that his houses and other parts of his Property will be destroyed by the Inhabitants on the Eastern Side of Susquehanah River

Sworn this 13th Decemb^{r} 1732 before me
Robert Gordon

p. 65 Thomas Crissop Aged about Thirty Years of Baltemore County Planter being Sworne on the Holy Evangelists of Almighty God Deposeth and Saith That he Lives about halfe a Mile from John Lowe and within a few Yards of Susquehanah River And this Deponent Saith that about the Middle of the night on the Twenty Sixth day of November He this Deponent heard a great Noise and Hallowing in the Woods, Whereupon this Deponent gott out of his Bed and went to the Door and saw Several persons on the Ice of the said Susquehanah River and then Run to the Persons to see what was the matter He this Deponent haveing before heard the Crying of Murder amongst the said Persons And this Deponent on coming up to the said persons found the said John Lowe lying down or Sitting upon the Ice And thereupon this Deponent asked the person Named James Pattison what was the matter who Answered Damn your Blood be Easy or quiett

or I will tell you what is the matter To which this Deponent Lib. M.
said if any thing is Amiss go a Shore for there is no Occasion
to hall Men away in the Night, To which he said he would
not have his Creatures killed, But that he would make this
Deponent and the said Lowe know That they were in the
Province of Pensylvania And this Depon^{t} further saith That
upon Conversation with the Inhabitants of the East side of
Susquehanah River and Especially with the said James Patti-
son He this Deponent hath said That if the Lord Baltimore
would not Protect them in their Rights and Land They the
Inhabitants on the West side of Susquehanah River must
apply to the King To which they and Particularly the said
Pattison have Answered That they have no Business with the
King nor the King with them for Penn was their King And
this Deponent further Saith That he is very much in fear that
his House and other parts of his Property will be some Time
or another Burnt or Destroyed by the Inhabitants on the
Eastern Side of the said Susquehanah River And for Cause
of this Deponents fear This Depon^{t} hath heard both from
White persons and Indians that the said Inhabitants have
offered to Hire such White men and Indians to Accomplish
the same

Thomas Cresap

Sworne this 13th December 1732 before me

Robert Gordon

The aforegoing Depositions being read Ordered that the
following Proclamation Issue One Directed to the Sherriff of
Baltimore County and another to the Sherriff of Cecil County

By the Right Honourable the Lord Proprietary Baltemore.

A Proclamation

Whereas Informations upon Oath have been given to Rob-
ert Gordon Esq^{r} one of the Justices of our Provincial Court
that on the Twenty Sixth day of November last in the Dead
time of the Night That Charles Jones, James Pattison, Alex-
ander Mckey, John Capper, John Hart, John Pattan, James
Pattan, James Pattison Jun^{r} John Trotter and William Macma-
nac being or pretending to be Inhabitants of Pensylvania
together with Several other Persons unknown in a Riotous
manner Armed with Offensive and Defensive Weapons As-
sembled themselves together on the Plantation of John Lowe
of Baltimore County within this our Province And in a
Riotous Violent and Outrageous manner Assaulted and
Beat the said Lowe his Wife and Children and Imprisoned the p. 66
said John Lowe and his two Sons to their great Terror and

Lib. M. Damage in Defiance of our Laws and the Good Rule of our Government.

And we being Obliged and Resolved to protect such of his Majesty's Subjects who are our Tenants in their Just Rights and to use all the Means in our power to bring to Condign punishment According to Law All who shall presume to Violate or invade those Rights Wee have thought fit by the Advice of our Council to Issue this our Proclamation Strictly Charging and requiring all our Officers to Apprehend the said Charles Jones, James Pattison, Alexander M^{c}Key, John Capper, John Hart, John Pattan, James Pattan, James Pattison Jun^{r} John Trotter and William Macmanac or any of them or any of the other persons who were Concerned in the said Riott or any of them who shall be at any time found within this our Province And Wee Strictly Charge and require all our Tenants to Aid & Assist our Officers herein And as a further Encouragement to Apprehend and bring to Justice the said Charles Jones, James Pattison, Alexander M^{c}Key, John Capper, John Hart, John Pattan, James Pattan, James Pattison Jun^{r} John Trotter and William Macmanac and the other persons concerned with them in the said Riot or any of them We promise and Proclaim to any of our Officers or others who shall Apprehend the said Charles Jones, James Pattison, Alexander M^{c}Key, John Capper, John Hart, John Pattan, James Pattan, James Pattison Jun^{r} John Trotter and William Macmanac or any of them or any of the other persons who shall be Convict by due Course of Law of haveing been concerned in the said Riot Ten pounds Current Money of this our Province for Each and Every of them And we do hereby Strictly Charge & require the Sheriff of our County of Baltimore to make this our proclamation publick in the said County in the usual manner as he will Answer the Contrary at his peril. Given at Annapolis this fourteenth day of Decem^{r} in the Eighteenth Year of our Dominion Annoq Domini 1732

{ Great Seal } J Ross Cl Con.

Maryland ss.

Ordered by the Right Honourable the Lord Proprietary that the following Proclamation Issue

By the Right Honourable the Lord Proprietary Baltimore

A Proclamation

Whereas by our Proclamation under our Great Seal at Arms bearing Date at Annapolis the fourteenth Day of De-

cember last Wee Offered a Reward of Ten Pounds Current Lib. M.
money of this our Province to any of our Officers or Others who should Apprehend Charles Jones, James Pattison, Alexander M^{c}Key, John Capper, John Hart, John Pattan, James Patten, James Pattison Jun^{r} John Trotter and William Macmanac being or pretending to be Inhabitants of Pensylvania or Each or Either of them so that they or Either of them should be by due Course of Law Convict of having Committed a Riot on the Twentyeth day of November last on the Plantation of John Lowe of Baltimore County within this our Province and not being as yet Able to Apprehend them or Either of them And We being Obliged and Resolved to Protect such of his Majesty's Subjects who are Our Tenants in their Just Rights and to Use all the means in Our Power to bring to Condign Punishment according to Law all who shall presume to Violate those Rights We have thought fit to Issue this our proclamation Strictly Charging and requiring all our Officers to Apprehend the said Charles Jones James Pattison Alaxander M^{c}Key John Capper, John Hart John Pattan James Pattan James Pattison Jun^{r} John Trotter and p. 67.
William Macmanac or any of them or any other persons who were Concerned in the said Riot or any of them who shall be at any time found within this Our Province And We Strictly Charge and require all our Tenants to Aid and Assist our Officers herein And as a further Encouragement to Apprehend & bring to Justice the said Charles Jones, James Pattison, Alexander M^{c}Key, John Capper, John Hart, John Pattan, James Pattan, James Pattison Jun^{r} John Trotter and William Macmanac and the other persons Concerned with them in the said Riot or any of them We promise and proclaim to any of our Officers or Others who shall apprehend the said Charles Jones, James Pattison, Alexander M^{c}Key, John Capper, John Hart, John Pattan, James Pattan, James Pattison Jun^{r} John Trotter and William Macmanac or any of them or any other persons who shall be Convict by due Course of Law of having been concerned in the said Riot Fifty pounds Current money of this our province for Each and Every of them, And We do hereby Strictly Charge and require the Sheriff of Our County of Baltimore to make this our proclamation publick in the said County in the usual manner as he will Answer the Contrary at his Peril Given at Annapolis this ninth day of March in the Eighteenth Year of Our Dominion Annoq Domini 1732

John Ross Cl Conc.

{ Great Seal }

Lib. M Maryland ss.

Ordered by the Right Honourable the Lord Proprietary that the following proclamation Issue.

By the Right Honourable the Lord Proprietary Baltimore
A Proclamation

Whereas by Our Arrival and presence in this Our Province the Administration and immediate Government thereof are necessarily in Our own person We have therefore thought fit to Issue this Our Proclamation Willingly and Directing that all Officers both Civil and Military Execute and Discharge the several Trusts and Duties in them Reposed and Enjoyed by the present Respective Commitions to them Granted untill such time as Our farther pleasure and Directions shall be Signyfyed therein Given at Annapolis this day of December in the Eighteenth year of Our Dominion Annoq Domini 1732

{ Great } J Ross Cl Conc.
{ Seal }

Maryland ss.

Ordered by the Right Honourable the Lord Proprietary that the following Proclamation Issue.

By the Right Honourable the Lord Proprietary Baltimore
A Proclamation

Whereas by our proclamation under our Great Seal at Arms bearing Date at Annapolis the 14th day of December last We
p. 68 Offered a Reward of Ten pounds Currant money of this Our province to any of our Officers or others who should Apprehend Charles Jones, James Pattison, Alexander M^{c}Key, John Capper, John Hart, John Pattan, James Pattan, James Pattison Jun^{r} John Trotter & William Macmanac, being or pretending to be Inhabitants of Pensylvania, or Each or either of them, So that they or Either of them should be by due Course of Law Convict of having Committed a Riot on the Twenty Sixth day of Novem^{r} last on the plantation of John Lowe of Baltimore County within this Our Province, And not being as yet Able to Apprehend them or Either of them, And We being Obliged & Resolved to protect such of his Majesty's Subjects who are Our Tenants in their Just Rights, And to Use all the means in our power to bring to Condign punishment according to Law all who shall presume to Violate & Invade those Rights. We have thought fit to Issue this our Proclamation Strictly Charging & requireing all our Officers to Apprehend the said Charles Jones, James Pattison, Alexander M^{c}Key John Capper, John Hart,

John Pattan, James Pattan James Pattison Junr John Trotter & William Macmanac, or any of them, or any other persons who were Concerned in the said Riot or any of them who shall be at any time found within this Our Province And We Strictly Charge & require all our Tenants to Aid & Assist our Officers herein, and as a further Encouragement to Apprehend & bring to Justice the said Charles Jones, James Pattison, Alexander McKey, John Capper, John Hart, John Pattan, James Pattan James Pattison Junr John Trotter, & William Macmanac and the other persons Concerned with them in the said Riot or any of them We promise and proclaim to any of our Officers or others who shall Apprhend the said Charles Jones, James Pattison, Alexander McKey, John Capper, John Hart, John Pattan, James Pattan, James Pattison Junr John Trotter and William Macmanac or any of them or any other persons who shall be Convict by due Course of Law of having been Concerned in the said Riot fifty pounds Current money of this Our Province for Each & every of them And We do hereby Strictly Charge & Require the Sheriff of our County of Cecil to make this our Proclamation Publick in the said County in the usual manner, as he will Answer the Contrary at his Peril Given at Annapolis this ninth day of March in the Eighteenth Year of Our Dominion Annoq Dom 1732. Lib. M.

{Great Seal} J Ross Cł Con.

Maryland ss.

By the Right Honourable Charles Absolute Lord and Proprietary of the Provinces of Maryland and Avalon Lord Baron of Baltimore &c.

Baltimore.

Wee being Desireous to Increase the Number of Honest people within our Province of Maryland and willing to give Suitable Encouragement to such to come and Reside therein Do offer the following Terms.

1st That any person haveing a ffamily who shall within three Years come and Actually Settle with his or her Family on any of the back Lands on the Northern or Western Boundarys of our said province not already taken up between the Rivers Potomack and Susquehana (where we are Informed there are Several large Bodies of Fertile Lands fit for Tillage, p. 69 Which may be Seen without any Expence) Two hundred Acres of the said Lands in ffee Simple Without paying any part of the fforty Shillings Sterling for every hundred Acres payable to Us by the Conditions of Plantations, And without paying any Quit Rents in three Years after the first Settlement, and

Lib. M. then paying four Shillings Sterling for Every hundred of Acres to us or our Heirs for every Year after the Expiration of the said three Years.

2d To allow to Each Single person Male or Female above the Age of Thirty & not under Fifteen One hundred Acres of the said Lands upon the same Terms as mentioned in the preceding Article.

3d That We will Concurr in any reasonable Method that shall be proposed for the Ease of such New Comers in the payment of their Taxes for some Years And We doe Assure all such that they shall be as well Secured in their Liberty & property in Maryland as any of his Majestys Subjects in any part of the British Plantations in America without Exception And to the End all persons Desireous to come into and Reside in Maryland may be Assured that these Terms will be Justly & Punctually performed on our part Wee have hereunto sett our hand and Seal at Arms, at Annapolis this Second day of March Annoq Domini 1732.

{Great Seal} J Ross Cł Conc.

At a Council held at the House of the Right Honourable the Lord Proprietary in the City of Annapolis on Tuesday the tenth Day of April in the Eighteenth Year of His Lordships Dominion Annoq Domini 1733.

Present

The Right Honourable the Lord Porprietary

The Honble { Saml Ogle Esqr; Charles Calvert Esqr; John Hall Esqr; Col Richd Tilghman; Col Matt Tilgn Ward; John Rousby Esqr; Benjamin Tasker Esqr; Philip Lee Esqr; Michael Howard Esqr; George Plater Esqr; Edmund Jenings Esqr }

The Right Honourable the Lord Proprietary communicates
p. 70 to this Board an Address of the Lower House of Assembly presented to him this Session

To the Right Honble the Lord Proprietary

The Humble Address of the Lower House of Assembly

May it please your Lordship

By an Act of Assembly of this Province, certain Days are appointed in which the several County Courts therein are to be

held, which Act limits the Number of Courts in the Year to four, and gives a Power to any two Justices, One being of the Quorum when and as often as Need shall require, to adjourn the said County Courts, Process and Proceedings therein depending, to such short Time as they should see convenient, which only impowers the Justices to adjourn, in Order to finish Business actually depending, and not for the Return of any Original Writts: Notwithstanding which the Justices of Talbot County Court, have assumed a Power of appointing and holding a fifth Court, in the said County, to which Original Writts are made returnable, expressly contrary to the said Act of Assembly; which Practice this House conceives to be a dangerous Encroachment on the Legislative Authority, Your Lordships Prerogative, an Aggrievance to the People, and that Our Duty to your Lordship and the People We represent, obliges Us to apply to Your Lordship, and to pray that You will be pleased to give such directions, as to Your Lordship in your Wisdom shall seem convenient, to put a Stop to such unwarrantable Proceedings Lib. M.

Signed by Order of the House
Jn° Mackall Speaker

The Justices of Talbot County appearing this Day according to the Summons issued by Order of the Right Honourable the Lord Proprietary; They are by the Lord Proprietary made acquainted with the Contents of the above Address; and desired (if such has been the Practice in the said County of Talbot) They desist therefrom for the future

Ordered that the following Act of Assembly Entituled an Act for Settlement of an Annual Revenue upon Her Majestys Governor within this Province for the Time being; made at a Session of Assembly begun and held at the Town and Port of Annapolis in Ann Arundel County the fifth Day of September in the third year of the Reign of Our Sovereign Lady Ann by the Grace of God of England, Scotland France and Ireland Queen Defender of the Faith &c and in the year of Our Lord One thousand Seven hundred and four be recorded in the Council Book

An Act for Settlement of an Annual Revenue upon Her Majestys Governor within this Province for the Time being

Whereas, by an Act of Assembly formerly made, intituled, An Act for providing a Support for the Lord Proprietary of this Province; and likewise a Supply for defraying the Publick Charge of the Government, it was, by the said Act, published p. 71

Lib. M. and declared, that from and after the first Day of September then next ensuing, there should be raised, levied collected and paid, to the said Lord Proprietary, the Sum of Two Shillings Sterling, for Every hogshead, or Quantity of a hogshead of Tobacco, which should be at any time thereafter shipped in any Ship or Vessel, to be exported out of this Province; on Condition, that his said Lordship should receive his Rents and Fines for Alienation of Lands, in good sound merchantable Tobacco, when tendered, at the Rate of Two Pence p pound, for One Moiety of the said Imposition; the Other Moiety by the said Act raised to be employed towards maintaining a constant Magazine, and defraying other publick and necessary Charges of the Government

And whereas former Assemblies, upon strict Enquiry made into the Premises, did find his said Lordship had not only been very deficient, and at small Charges and Expences in maintaining, as aforesaid; but that this Province hath been obliged to defray all Publick Charges arising, for the Support of Government, by way of an Equal Assesment upon the Inhabitants thereof; the several Provisoes in the afore recited Act, to the Contrary notwithstanding. And whereas also, his said Lordship the aforesaid Moiety of Two Shillings per Hogshead, under Pretext of maintaining a Magazine, as aforesaid, (until the Time of their late Majesties King William and Queen Mary taking this Province under their immediate Protection) did convert to his own Use, to the impoverishing of the Country, and Defraud of the Publick; and being incapacitated of complying with what, by the said Act for the said Moiety of Two Shillings per Hogshead, is required.

Be it therefore Enacted by the Queens most excellent Majesty by and with the Advice and Consent of Her Majestys Governor, Council and Assembly of this Province, and the Authority of the same, that the said One Shilling per Hogshead, for the Defraying the Charges of Government aforesaid, as well for such Ships or Vessels as have already cleared, before the making of this Act, as for such remaining in this Province be raised, levied, collected and paid, unto Our Sovereign Lady the Queen's most Excellent Majesty, her Heirs and Successors, for the Support of Her Government, for the Time being, in and over this Her Majesty's Province aforesaid, and the Territories to the same belonging, for Every hogshead, and Quantity of an Hogshead of Tobacco, which hath been for and during the Time aforesaid, or which hereafter shall be at any Time shipped, in any Ship or Vessel, to be exported out of this Province, or any the Territories, Islands, Ports, Rivers, Creeks, or Places thereunto belonging, as aforesaid

And Be it further Enacted by the Authority aforesaid, by and with the Advice, and Consent aforesaid, that the said Duty and Imposition, shall be, from Time to time, paid and satisfied by the Master or Masters of Every such Ship or Vessel respectively, in which any such Tobacco shall be reported, upon his or their clearing or taking out his or their Dispatch or Dispatches, for every such respective Ship or Vessel; and before the Departure of such Ship or Vessel coming into this Province, shall at their first Arrival here, and before their loading on board, any Goods or Commodities of the Growth, Production, or Manufacture of this Province, give good and sufficient security to His Excellency, or to the Officer thereunto especially appointed, for the Payment of the said Duty or Imposition accordingly Lib. M. P. 72

Provided always and it is the true Intent and Meaning that this Act, nor anything herein contained, shall be adjudged, construed, reputed or taken (anything herein expressed to the Contrary notwithstanding) to disannul, or make void; His Lordships Right to the other Moiety of the said Two Shillings per Hogshead, to be paid in Consideration of His Rents and Alienation Money in Tobacco, at Two Pence per Pound, during the Term of His natural Life; (but that the same be kept and hereby preserved to his Lordship, in as full and ample Manner, as by the said Law is expressed or intended) or in the least to discharge his Lordship of receiving the Rents aforesaid, at Two Pence per Pound, as by the said Act is enjoyned, during also the Term of his natural Life; nor to discharge his Lordship from accounting for the Arrears of the One Shilling per Hogshead, for the supporting the Government, and providing Arms and Ammunition; but that he be obliged to all the aforesaid Matters and things, as fully and strongly, as if the said Law were in full force

And Be it further Enacted by the Authority aforesaid, that Every Master of a Ship or Vessel as aforesaid, at the time of his Clearing, shall upon Oath, declare the Quality and Quantity of his Loading; and that the Naval Officer, by the Governor aforesaid appointed, for the Time being, shall, and is hereby impowered to administer the said Oath: And in Case the said Master shall refuse the said Oath, or upon Suspicion of having Goods on board, for which he hath not cleared, it shall be lawful for the said Naval Officer, to enter on Board any such Ship or Vessel, and the same to search, for any such Goods as aforesaid; anything in this Act beforementioned notwithstanding

September 21. 1704

Read and assented to by the House of Delegates

W. Laylard Cl. Ho. Del

Lib M.

September 21. 1704

Read and assented to by her Majestys Honourable Council
W Bladen Cł Concil.

Maryland October 3. 1704

On the behalf of her Most Sacred Majesty Ann by the Grace of God of England, Scotland. France & Ireland, & the Dominions thereto belonging Queen Defender of the Faith &c I will this to be a Law.

Jo: Seymour.

p. 73 Ordered that the aforesaid Law be printed and Copies thereof sent to the several Naval Officers to be affixed in their Offices, and it is likewise Ordered that the said Law be bound up with the Laws made at a Session of Assembly begun and held at the City of Annapolis the thirteenth Day of March Anno Domini One thousand seven Hundred thirty and Two, and sent with the said Laws to the several Counties within this Province

Ordered that the following Prayer be read next after the Litany in all Churches and Chappels within this Province; and when the Litany is not appointed to be read; then next after the Prayer for the Royal Family

A Prayer for the Right Honourable the Lord Proprietary

Almighty God, in whose hands all Earthly Power does consist, We humbly beseech thee to bless the Right Honourable the Lord Proprietary of this Province; and grant that the Great Power and Trust reposed in him, he may use in thy Fear, and according to thy blessed Will and Word: Let thy Grace enlighten him, thy Goodness confirm him, and thy Providence protect him

Bless We beseech thee, the honourable *(the Governor and) Council, direct their Consultations to the Advancement of thy Glory, the Good of thy Church, the Honour of His Lordship, and Safety and Welfare of this Province: Grant this, O merciful Father, for Jesus Christ his Sake, Our only Saviour and Redeemer Amen

*(These Words are to be Omitted during his L^{dps} Continuance in the Province)

The Honourable Samuel Ogle Esq^{r} being appointed One of his Lordships Council on twenty first of March last; he then took the several Oaths to the Governm^{t} appointed to be taken by Act of Assembly, and likewise the Oath of a Councillor, and subscribed the Oath of Abjuration and Test; and took his

Place at the Board accordingly; this should have been Entered Lib. M.
on the said 21st of March.

The Right Honourable the Lord Proprietary acquaints the board that upon Application of John Young; he drew an Order upon Col Samuel Young payable to the said John for his Years Salary for cleaning the Arms &c. Ending 11th of January last; and that he likewise drew an Order upon Col Samuel Young for twenty pounds Sterling payable to Mr Charles Slye for half a years Salary due to him as Adjutant of this Province Ending 8th February last

Ordered that Samuel Young Esqr Treasurer of the Western Shoar lodge the Moneys; raised from the Duty of Three Pence p. 74
p hogshead for Arms &c. which was in the hands of John Hyde and Company Merchants in London for the Use of this Province; in the Hands of Samuel Hyde of London Merchant.

At a Council held in the Council Chamber on Saturday the fourteenth Day of April in the Eighteenth Year of His Lordships Dominion Annoq Domini 1733

Present

The Right Honourable the Lord Proprietary

The Honble	Samuel Ogle Esqr	Philip Lee Esqr
	Charles Calvert Esqr	Michael Howard Esqr
	John Hall Esqr	George Plater Esqr
	Col Matth Tilg: Ward	Edmund Jenings Esqr
	Benjamin Tasker Esqr	

The following Proclamation being read, and approved of, was ordered to issue to the several Counties of this Province

Maryland ss.

By the Right Honourable the Lord Proprietary

Baltimore

A Proclamation

We being desirous to prevent any Extortions and Oppressions that may in this Province be committed under Colour of Office by the several Officers and Ministers thereof, and Every of their Deputies Ministers Servants and Officers in exacting unreasonable and excessive Fees from the good People of the same, therefore in Order to ascertain and limit the just fees belonging to their said Several Office and Offices their Ministers Servants and Deputies of the same do hereby order that from & after the Publication hereof no Officer or Officers hereafter mentioned their Ministry Servants or Deputies by Reason or

Lib. M. Colour of his or their Office or Offices have receive or take of any Person or Persons directly or indirectly any other Fees than by this Proclamation are hereafter limited and allowed to the several Officers hereafter named upon Pain or Peril of Our highest Displeasure and being prosecuted for Extortion, and the said several Officers are hereby required to procure Copies of the following Regulation of Fees, and affix the same in their Office or Offices on or before the first Day of June next en-
p. 75 suing under the Penalty of Our displeasure And if any Services should be omitted in the said List of Fees the said Officers are hereby required to apply to Us or Our Lieutenant Governor or Commander in Chief and Council for the Time being for a Regulation thereof, and to conform themselves to any such Regulation that may be made therein by Us or Our said Lieutenant Governor or Commander in Chief and Council upon Pain of Our highest Displeasure and being prosecuted for Extortion

Given at Annnapolis this fourteenth day of April in the Eighteenth Year of Our Dominion Annoq Domini 1733.

To the Chancellor or Keeper of the Great Seal

The Seal of an Original Writt	6
The Seal of a Recordari	12
The Seal of a Subpena ad respondendum with three Names or Under.	15
The Seal to a Proclamation of Rebellion	360
The Seal to a Commission of Rebellion	360
The Seal of a Grant of Land for One hundred Acres or Under.	120
Every hundred Acres above One hundred Acres.	12
Seal to a Decree in Chancery	430
Seal to an Injunction in Chancery	240
Seal to an Audita Querela	120
Seal to an Execution of a Decree in Chancery	162
Seal to a Writt of Covenant for passing a Fine	15
Seal to a Commission to take an Acknowledgment	120
The Chancellors Hand to a Writt of Assize	240
Seal to a Writt of Error to the Council	240
Seal to a Scire facias thereupon	240
Seal to a Supersedeas thereupon	240
Seal to a Certiorari	240
Seal to an Exemplification of Land, the same with the Patent or Grant	
The Chancellors hand to a Writt of Covenant	240

Seal to a Mandamus	120	Lib. M.
Seal to a melius Inquirendum	120	
Seal to a Commission of a County Court	430	
Seal to a Dedimus Potestatem to swear the Justices	240	
Seal to a Supersedeas to a Commission of Rebellion or Supplicavit.	240	
Seal to a Sheriffs Patent for his Office	480	
Seal to a Posse Comitatus	120	
Seal to a Writt of Discharge if any	120	
Seal to a Patent of Denization	430	p. 76
Seal to Ne Exeat Provinciam	120	
Seal to a Writt of Error from any County Court	120	
Seal to Scire facias thereupon	120	
Seal to a Supersedeas thereupon	120	
For Every Other Matter or thing that shall pass the Great Seal and not herein contained Each.	120	

To the Secretary

For a Recordari	10
A Subpena respondendum with three Names and Return.	20
Every Name more than three	4
An Attachment of Contempt	14
A Proclamation of Rebellion	100
A Commission of Rebellion	100
An Injunction	60
A Writt of Sequestration ꝑ Side	11
An Audita Querela	136
Fileing Every Bill in Chancery	30
Every Court the same shall continue	30
Fileing Every Answer in Chancery	27
Every Oath to the same	9
Fileing Every Return of Commission and Depositions ꝑ Side.	11
A Writt of ad Quod Damnum ꝑ Side	11
Passing Decree	42
Every Motion in Court and Order	20
A Ne Exeat Provinciam	100
A Writt of Enquiry of Damages ꝑ Side	11
A Commission to take Acknowledgment	100
A Writt of Covenant to pass a fine	14
A Writt of Assize	80
A Commission to find Office upon a Melius Inquirendum or Monstraverunt	100
Drawing any Instrument that passeth the Seal if it exceed One Side computing Seven Words to a Line and fifteen Lines to a side & so pro Rato	11

Lib. M.	Recording the same ꝑ Side as before	11
	Entring any other Matter upon Record if it exceeds not half a Side of a Leaf	5½
	If the Matter entered upon Record exceed half a side then ꝑ Side as before	11
	Copying the same ꝑ Side with Recording	11
	Any Warrant or Licence against or to more than One not under the Seal Each	12
	Any Warrant or License against or to One Person only not under the Seal	12
	Any Other Pass or Discharge not under the Seal	12
p. 77	Search of a Record the first year Nothing, if above One Years standing for Every Year within the first five Years ꝑ Annum	3
	And for Every Year above five ꝑ Annum	2
	Writing a Sheriffs Commission, Bound and recording it	240
	Writing a Posse Comitatus	120
	A Writ of Discharge if any	120
	Writing and Recording a Commission & Dedimus Potestatem for Every County Court	330
	Every Common Writt and Return	20
	Every Subpena and Return	32
	Fileing and recording every Declaration ꝑ Side amounting 15 Lines to a side and seven Words to a Line	11
	A Copy of the Same at the same Rate not to be Charged unless required and delivered ꝑ side	11
	Every Appearance Entered	9
	Entry of an Imparlance	7
	A Continuance or Reference	7
	Filing Plea if not special	13
	Special Plea ꝑ side as before	11
	Making up the Issue	32
	Rule to plead or for Tryal	6
	A Venire facias for Jurors	26
	A Copy of the Pannel	7
	Entering Pannel	7
	Every Verdict	7
	Entering and Signing Judgment	40
	A Copy of the Judgment	25
	A Transcript of the whole Proceedings ꝑ side as before.	11
	Fileing a bill of Cost	12
	A Copy thereof if demanded and delivered	12
	Every Execution and Return	24
	Fileing and Recording Every Demurer ꝑ side	11
	Habere facias Possessionem	26
	A Replevin	20

A Procedendo	26	Lib. M.
A Writt of Restitution	26	
Drawing a Dedimus Potestatem to examine Evidences.	50	
A Habeas Corpus	35	
An Elegit	35	
A Commission of Resurvey	50	
A Certiorari	50	
A Commission to Audite	50	p. 78
A Writt of Diminution	26	
A Writt of Error to the County Court	90	
A Scire facias thereupon	26	
A Supersedeas thereupon	26	
Entering an Acknowledgment of Land in Court.	9	
Recording a Conveyance per side as before	11	
Fileing Every Recognizance in Court	20	
Appearance to Every Recognizance	12	
Every Special Bail	12	
An Attachment and Scire facias	42	
Discharging Every Recognizance	20	
A Copy of Every Recognizance	21	
Every Venire facias or Warrant to apprehend a Criminal.	26	
Appearance to Every Indictment or Verdict	12	
Every Respit and Continuance	24	
Every Order in Criminal Cases	12	
Every Indictment per side as before	11	
Copy of Every Indictment ꝑ side	11	
Fileing Plea to the same	13	
Confession to Every Indictment	12	
Allowance of a Writt of Error	18	
Every Indictment after the first Name.	17	
Rule of Tryal	11	
Recording the Verdict	7	
Entering Conviction and signing Judgment	40	
A Writt of Execution thereupon	56	
A Writt of Withernam	40	
A Writt of Estrepment	40	
A Scire facias on a Judgment ꝑ side	11	
A Scire facias against Special Bail ꝑ side	11	
A Scire facias against Security for Costs or on a Recognizance ꝑ Side	11	
Swearing Every Jury	72	
Swearing Every Bailiff	6	
Every Other Oath in Court	6	
Duces tecum ꝑ side as before	11	
Affixing the seal of the Court to the Copy of any Instrument or to a Transcript of any Judgment, or any Record, or Certificate	20	

Lib. M.	Taking Security on Condemnation on Attachments	10
	A Writt of Re Restitution p side	11
	Entering Every Action agreed	4
p. 79	A Commission to Examine Evidences p side	11
	A Scire facias on a Certiorari p D°	11
	A Scire facias on Audita Querela p D°	11
	An Attachment on Non Complyance with the Common Rule in Ejectment p D°	11
	A Provincial Commission and Dedimus Potestatem p D°	11
	A Summon in Partitition p D°	11
	A Writt of Partition p D°	11
	An Attachment in Partition p D°	11
	Habere facias Seisinam p D°	11
	Returno Habendo p D°	11
	A Writt of Distringas p D°	11
	A Commission of Oyer and Terminer p D°	11
	A Commission of Goal Delivery p D°	11
	A Dedimus Potestatem to swear the Judges of Assize or Sheriff p side	11
	A Writt of Publication to the Laws	20
	Drawing a Protest and recording it if not a Special One.	160
	Drawing any other Matter as Publick Notary attested under the Seal	50
	If such Matter exceed One side then p side	11
	Drawing Every Special Protest p side	11

And for Every other Service not herein mentioned 11 p side and so pro Rato, until regulated otherwise by the Lord Proprietary, or His Governor and Council

To the Commissary General

	For Entry of Demand for Administration or Probate of Wills.	4
	Every Order in Testamentary Causes	12
	Every Letter of Administration or Letters Testamentary	85
	Every Bond	40
	Every Oath	12
	A Warrant to Appraisers	20
	A Warrant to swear them	20
	Every Commission to prove a Will or pass Account or take Administracon	85
	Dedimus Potestatem to take an Answer p side	11
	For Recording Wills, Inventories, Accounts or any Other Matter or copying the same out of the Commissarys Office p Side computing seven Words to a Line, and fifteen Lines to a side	11
	Fileing Costs	12

Copy Costs	12	Lib. M.
Recording Definitive Sentence p Side	11	
Executing Definitive Sentence p side	11	
Drawing Definitive Sentence p side	11	
Seal to Definitive Sentence	350	p. 80
Seal to Execution of Definitive Sentence	175	
Filing Every Libel, Answer, Replication Petition &c.	30	
Copy of Every Libel, Answer, Replication or Rejoynder p side	11	
Drawing Depositions of Witnesses p side	11	
Fileing Interrogatories	30	
Every Common Citation	15	
Every Special Citation p side	11	
Every Attachment	40	
Attachment of Decree p side	11	
Subpena for Costs	16	
Every Appearance	12	
Entry of Every Return	6	
Quietus Est.	50	
A Continuance or Reference	6	
Search of a Record the first year, nothing, if above One Year's standing for Every Year within the first [five] Years, p Annum	4	
For Every Year above Five p Annum	3	
Exemplification of Letters Testamentary or Administration under Seal	60	
Commission or Proclamation of Rebellion	100	
Commission to examine Evidences and Commission to Auditors	40	
Scire facias	40	
Duces Tecum	50	
Every Motion in Court	9	
If above One Side after the Rate of p side	11	
Transmitting Ballance and Order	18	
Transmitting Sureties Names and Order	18	
Transmitting Distribution and Order p side	11	
Entry of Prayer for Appeal	6	
Letters de bonis non p side	11	

To the Surveyor General and his Deputies

For the Survey of One Hundred Acres of Land or under p Acre	1
Any Quantity above One hundred Acres, and under Two hundred Acres, for the first hundred as before, for the Rest p Acre	½

Lib. M. If between two hundred Acres, and five hundred Acres, then for the first two hundred as before, & for all above p hundred Acres	¼
p 81 Five Hundred Acres as before, and for all above p hundred Acres	10
For Every Plat, allowing three Plats for Every Survey (that is to say) One to the Party, One to the Examiner General, and the Other to be entered upon the Survey[rs] Book, for the first hundred Acres or under.	10
For all above the first hundred Acres, p hundred	5
For Journey fees, if the same be distant from the Surveyors house, twenty Miles or under	40
If above twenty Miles and under Forty	80
If above forty Miles, and under Sixty and so pro Rato	120
For Every Certificate of Survey be the Quantity more or less.	5
For the Resurvey of One hundred and forty Acres of Land, or under, made with a Circumferenter Chain and other necessary Instruments	400
For Resurvey of any Quantity of Land above One hundred and forty Acres the same Fees, that are allowed upon primitive Surveys, computing the said One hundred and forty Acres as Part of the Survey	

To the Judge of the Admiralty Court

For His Sentence or Condemnation fee	200
For attesting all Depositions	30
For Every Stipulation made before him	120
For Every Days Attendance	250

To the Register of the Admiralty Court

For fileing and recording Every Libel, Petition, Answer, Depositions, or any other matter computing seven Words in a Line, and twelve Lines in a Sheet, and so pro Rato, p Side	11
For Every other Matter entered in the Minutes or on Record p side	11
For Copy Libel, Petition, Answer, Depositions, or any other Matter p side.	11
For Every Writt under Seal p side	11
Fileing Bill of Cost	12
Copy Bill of Cost	12
Entring and signing Decree or Judgment	40

Swearing Every Evidence in Court	6	Lib. M.
For Issue and Rule	32	
For drawing Every Deposition ꝑ side	11	

To the Marshal of the Admiralty Court

For Serving Every Writt for seizing A Vessel	35	
For Serving Every Writt against the Commander	35	p. 82
For Subpena Every Witness	30	
For Every non est inventus on Writ or Subpena	10	
For Swearing Every Evidence in Court	12	
For Subpena Appraisers	60	
For Every Proclamation	20	
For Serving Every Writt of Attachment	35	
For Every Vessel acquitted	80	

For any other Extraordinary Service when obliged to travel from home at the Rate of Three Pounds of Tobacco ꝑ Mile besides Ferriages and necessary Expences to be allowed by the Judge on Proof being made thereof

To the Clerk of the Council

Every Petition in Council and Order in favour of the Party.	200
Any Commission or other Instrument prepared by the said Clerk to pass the broad Seal, if for a Place of Profit	200
Recording the same	200
Every Sheriffs Commission	400
Every Coroners, Rangers, Surveyor's Commission, or Other Commission of Profit	200
Recording any Matter in Council ꝑ side for any private person computing Seven Words in a Line, and twelve Lines in a Sheet.	18
Copy of any Matter or thing from the Council Records, ꝑ side	18

All Searches to the Clerk of the Council the same fees as are allowed to the Honourable Secretary

To the Clerk of the Court of Appeals

Recording Every Writt of Error, Scire facias, and Return ꝑ side, and so pro Rato, seven Words in a Line, and twelve Lines in a sheet, the like for recording a Transcript, the like fees for Recording of Errors	18
Entring and signing Judgment	63

Lib. M	Filing a Bill of Cost.	18
	Copy of the same	18
	Fileing Bill of Cost from the Provincial Chancery, or any other Court	18
	Writt of Diminution	28
	Writt of Possession or any other Execution	26
p. 83	Entering any Motion or Order, filing or recording any Bond in Court, entering any Petition, entering and drawing any Affidavit or Deposition taken or returned into Court, Copy Errors, recording Proceedings transmitted from the Chancery Court or Copy the same, fileing any Plea, Replication or Demurrer or Copy the same in Common Law Proceedings, Entry any Reference in Court, and Copy the same or copying any other Proceedings p side, an so pro Rato	18
	Issue and Rule	32
	Affixing the Seal of the Court to any Copy of Proceedings or Exemplification	175

And for all other Services the same fees as taken in the Secretarys Office.

To the Clerk of the County Court

A Writt and Return	12
Every Declaration if a Side 6 And so pro Rato if more	
A Copy of the same if Demanded as before	
Entring Every Appearance	5
Every Imparlance	3
Filing Every Plea and Demurrer if not a Special One	4
If a folio or more pro Rato If a Copy delivered pro Rato.	
Entring any Matter upon Record if half a Side	3
If more then Pro Rato as before	
A Subpena	8
Rule to plead or Tryal	3
For making up the Issue	8
A Copy if delivered	8
Entering Judgment	12
Signing Judgment	7
A Venire facias for Jury	9
Entering the Pannel	3
Filing Bill of Cost	7
A Copy of the same	7
Execution and Return	12
For Special Bayl	5
A Writt of Enquiry of Damages at 6 p side and so pro Rato	
For Entering an Appeale	6

The Return of Certificate, Copy of the Record p side	6	Lib. M.
Entering a Writt of Error	6	
Every Oath	4	
Proving a Deed of Writing	6	
A Copy of the same if required p folio	6	
Recording the Mark of Cattle and Hogs	4	
Taking Acknowledgment of Land in Court	7	p. 84
Recording a Conveyance of Land p side	6	
Allowance of Habeas Corpus	6	
Search Every year within the first five Years p Annum	3	
for Every Year above five years p Annum	2	
Criminals For taking Every Recognizance	11	
Discharging of Recognizance	11	
A Venire facias or Warrant	12	
For Every Appearance	7	
Every Respit and Continuance	7	
For Every Order	6	
A Copy of Recognizance	10	
For Every Indictment p side	6	
A Copy of the Pannel	3	
For recording of the Verdict and Appearance thereto	12	
Entering the Judgment	19	
Execution of the Judgment	17	
A Copy of the Indictment p folio as before	6	
Fileing a Plea	7	
Confession of Indictment	7	
Every Scire facias at 6 p Side and so pro Rato		
Attachment and scire facias	24	
Short Copy Judgment	12	
Habeas Corpus	11	
Elegit	11	
Taking and recording Bond for Orphans Estates	22	
Ducestecum	11	
Takeing Security on Condemnation	5	
Entering Action agreed	3	
Commission to examine Evidences at 6 p side, and so pro Rato		

Chancery Proceedings in the County Court

Entering Motion and Order	6	
Entering and signing Decree	19	
Fileing Costs	7	
Copy Costs	7	
Affixing the Seal to any Transcript or Certificate	7	

And for Every other Service not herein mentioned 6 p side and so pro rato, until regulated otherwise by us or Our Governor and Council

Lib. M. To the Sheriffs

Serving Writt and Bail Bond	35
Collecting the Publick Dues for Every hundred	10
p. 85 Serving an Attachment or Execution	10
And if any Execution be for above One hundred and under five hundred pounds of Tobacco	50
If it exceed five hundred Pounds of Tobacco then	100
If it exceed One thousand then for the first thousand	100
And for Every thousand after the first	50
For Commitment and Releasment	40
Impannelling a Jury	120
Serving Scire facias including the Person summoned.	30
Serving Citation	30
Executing a Commission of Resurvey ꝑ Day	100
Impannelling a Jury	240
Summoning Evidences to prove the bounds of Land for Each person sumoned.	30
If empowered to swear Jury and Evidences, for Every Oath.	12
Every non Est Inventus returned	10
Serving a Subpena	30
For keeping a Prisoner in Custody, and finding him Victuals during the first Months Imprisonment ꝑ Day	20
For Every days Imprisonment and Victualing after the first month ꝑ Day.	10
Serving a Writt of Possession	150
Serving an Ejectment	100
For Electing Burgesses if a whole Election, and so pro Rato for One or more	1500
Serving Attachment of Contempt	50
Serving Writt of Estrepment	100
Serving Withernam	10
Serving Ne Exeat Provinciam	120
Serving a Copy of Declaration or short Note	6
Summoning Appraisers to Value Goods taken by an Attachment or fieri facias, for Each Appraiser summoned	30
Swearing the said Appraisers Every Oath	12
Summoning Appraisers to value the Goods taken by a Replevin for Each person summoned	30
Swearing the said Appraisers Every Oath	12
Executing a Writt of Ad quod Damnum ꝑ Day	100
Impannelling a Jury on the same	240
Swearing the said Jury for Every Oath	12

Taking an Inquisition and returning the same with the said Writt.	100	Lib. M.
Serving a Writt of Re Restitution	150	
Impannelling a Jury to enquire of a forceable Entry or detainer	240	p. 86
If empowered to swear the same for Every Oath	12	
For Each Person summoned as an Evidence on the same.	30	
For swearing the said Evidences Every Oath	12	
For summoning Chain Carriers on any Occasion where required Each person summoned	30	
For swearing the same Every Oath	12	

To the Coroners

Viewing the Body of any Person or Persons murthered slain or otherwise dead by Misadventure, to be paid out of the Goods and Chattels of the Party so dead, if any there be, otherwise to be levyed by the Commissionrs of the County where such Accident shall happen	250	
Arresting or Summoning any Sheriff sued or prosecuted in any Court, & for taking Security	40	
Arresting, Summoning or Attaching any other Person or Persons wherein the Sheriff is Plaintiff, such fees as are allowed to be taken by the Sheriff in Such Cases and no more		

To the Cryer of the Provincial Court

Swearing Every Jury	144
Swearing Every Witness	12
Swearing the Bailiff	12
Every Special Bayl	72
Every good Behaviour	72
Clearing Every Prisoner by Proclamation	80
Acquittal of Every Prisoner	80
Every Appeal from the County Court	50
Every Writt of Error returned from the County Court.	50

To the Cryer of the County Court

Swearing Every Jury	48
Swearing Every Bailiff	6
Every Oath	4
For special Bail	27
For good Behaviour	27
Clearing Every Prisoner by Proclamation or Acquittal	40

Lib. M. p. 87 Ordered By the Right Honble the Lord Proprietary that the the following Proclamation Issue.

Maryland ss[t]
Baltimore

By the Right Honourable the Lord Proprietary
A Proclamation

Whereas Several of Our Tenants by Colour of Grants Surveys or otherwise hold larger Quantities of Land than are mentioned in such Grants or Surveys or were Intended to be Granted to or Surveyed for them or those under whom they Claime For which Surplus Lands they or those whose Estates they have never paid any manner of Consideration to the great Deceipt and Prejudice of Us and the hindrance and Discouragement of others who would have taken up and Improved such Surplus Lands, And Whereas all the Measures which have hitherto been taken to prevail on the Possessors or holders of such Surplus Lands to pay for and to take out Patents or Grants to Invest themselves with Estates of Inheritance in them (As in Common Justice & Prudence they ought to have done) have proved Ineffectual and the said Possessors or Holders have unjustly with held and Still withhold the said Surplus Lands under a Vain and Groundless pretence that the Words more or less in their Grants or Surveys Intitle them to great Quantitys of Land which they or those under whom they Claim never Bought or paid for, Which Practice is in itselfe so manifestly unjust and so Injurious to us and the Province by hindering the Peopleing and Improvement thereof That We are Determin'd not much longer to Indure it but to Assert our own just Right with all Convenient Speed either by Vacating the Grants containing such Surplus as fraudulently obtained or otherwise as the Case may require Which We had long since done had We not been Restrained by the Greatest Tenderness and regard for the Quiet and Welfare of our Tenants and the Hopes We Entertained that they would of their own Accord have taken the proper Steps to have done Us Justice and Secure to themselves and their Posterity Indefeazable Estates upon very Easy Terms in the Surplus Lands by them Possessed To the End therefore that no Person who is Possessed off or holds any Surplus Land by Colour of any Grant Survey or otherwise And For which the Consideration hath not been realy and Bona fide paid to Us or Our Ancestors May pretend Surprize or Ignorance We have thought fit by this Our Proclamation to publish and Declare And We do

hereby Publish and Declare that any person who is Possessed Lib. M.
of or holds any Surplus Lands by Virtue or pretence of any Grant Survey or otherwise And for which the Consideration hath not been paid as aforesaid And who shall Neglect or Refuse to Apply to our Land Office in order to pay for such Surplus and Obtain our Grant in due form for the same on or before the fourteenth day of June Anno Dni 1735 shall be Proceeded against According to Law in Order to Vacate the Grant or Grants Containing such Surplus as Fraudulently and unjustly obtained or otherwise as the Case may require And p. 88
that no Person who shall Elapse the said Time shall ever have or Obtain any Grant from us for such Surplus Land or any part thereof And We hereby Publish and Declare that any person who shall discover any such Surplus Land shall not onely have the Preemption but also two Years Rent thereof as an Encouragement for such Discovery And to the End our Intentions herein may be Generally known We Strictly Command and Injoyn all Our Sheriffs not onely to Publish this Our Proclamation at the Respective Court Houses and other the most Publick Places in their Countys but to Affix Copys thereof in all such places Given at the City of Annapolis this 14th day of June in the Nineteenth Year of Our Dominion Annoq Dom. 1733.

{ Great Seal }

17th June 1733

Ordered by the Right Honourable the Lord Proprietary that the General Assembly which stands prorogued to the first Tuesday in July next be further prorogued to the first Day of December next; Proclamations issued accordingly

Ordered by the Right Honourable the Lord Proprietary that the following Proclamation Issue

Maryland ss[t]

By the Right Honourable the Lord Proprietary

A Proclamation

Whereas We thought fit to Desist for some time past from Granting any New Warrants out of Our Land Office, And as We are now again Pleased to give our Tenants Liberty of Intituling themselves to Lands in this our Province We hereby Publish and Declare the further Terms Conditions and Reservations upon which any Grant or Patent shall pass from us for such Lands, To Witt That the Annual Rent of Ten Shillings Sterling shall be Reserved and payable to us by

Lib. M. every such patent for every hundred Acres of Land to be Granted in such Patent on any Warrant not Issued before the date hereof unless our Chancellour and Judge of Our Land Office shall Determine and Direct a less Rent for any Distant Lands on the Borders and Frontiers of this Our Province Further We out of our great Condescention hereby Publish and Declare that the Rent of four Shillings Sterling only as usual for every hundred Acres of Surplusage Land hereafter
p. 89 to be Granted shall be reserved and payable to us, And as it is not Reasonable or just That any Lands Granted by us should be held by any person who may Neglect to pay our Rent reserved Therefore We think fit and accordingly do Declare that the Terms of all Grants or Patents on future Originall Common or Special Warrants shall be to be held on Payment of the Rent Reserved, Or otherwise such Grant or Patent to be Void, And also for the Incouragement of such Who may be Able and Willing to Discover Lands or Houses Escheatable We Declare and Order That any Discoverer thereof shall be Intituled to one third part or Worth of the Value which shall be Sett on such Lands and Houses to be allowed in the Composition or Purchase Money which such Discoverer ought to pay for the same And which Discoverer our Will and Pleasure is shall have without Exception the preference and preemption And Whereas We are Sensible of the Mischiefs and Inconveniencies Arising not onely to our Selfe but our Tenants by the Continueing Common Warrants or Caveats in force for a very long time Therefore We hereby Direct that all Patents for Lands on any Common Warrant now Issued, or on Certificates now returned, shall be Obtained before and not after the fourteenth of June which shall be in the Year 1734. and within one year after the Determination of any Caveat And that all Patents for Lands on any Common Warrants to be Issued after the Date hereof shall be Obtained within and not after two Years from the date of such Warrants And no Caveat shall be renewed after the Expiration of Six Months And our Will and Pleasure is that there shall be reserved in all Patents on future Warrants One Tenth part of all Mines (other than Royal Mines Totally Excepted by such Grants) to be Delivered to our Receivers at the Pitts Mouth or at the Place of Raising the same

Given at Annapolis this Twentyeth Day of June in the Nineteenth Year of our Dominion &c. Annoq. Domini 1733

J. Ross, Cl. Conc.

PROCEEDINGS

OF THE

COUNCIL OF MARYLAND.

CHARLES CALVERT, LORD BALTIMORE,
Proprietary.

SAMUEL OGLE, ESQ.
Governor.

1733–1742.

Maryland ss[t]

Be it remembered that on the Eleventh Day of July in the Lib. M.
seventh Year of the Reign of Our Sovereign Lord George the second by the Grace of God King of Great Britain France and Ireland Defender of the Faith &c and in the nineteenth Year of the Dominion of the Right Honourable the Lord Proprietary Annoq Domini 1733 Appeared his Excellency Samuel Ogle Esq[r] and produced his Lordships Commission constituting and appointing him the said Samuel Ogle Lieutenant General and Chief Governor of the Provinces of Maryland and Avalon in America, and also Commander in Chief both by Sea and Land of all the Forces raised or to be raised in the s[d] Provinces, which being published and read is ordered to be recorded in the Secretarys Office

Not being a sufficient Number of the Gentlemen of the p. 90
Council in Town to make a Council; His Excellency took the several Oaths to the Government appointed to be taken by Act of Assembly of this Province, and also the Oath for the due Observance of the several Acts of Trade and Navigation, and subscribed the Abjuration and Test, before M[r] Amas Woodward One of His Lordships Justices of the Peace for Ann Arundel County

Ordered by His Excellency the Governor that the following Proclamation issue

Maryland ss.

By his Excellency Samuel Ogle Esq[r] Governor and Commander in Chief in and over the Province of Maryland.

A Proclamation

Whereas Charles Absolute Lord and Proprietary of the Provinces of Maryland and Avalon Lord Baron of Baltimore by his Commission under his Great Seal at Arms bearing Date at Annapolis the twentieth Day of June has with the Approbation of His Most Sacred Majesty been pleased to constitute me the said Samuel Ogle Governor and Commander in Chief in and over this His Lordships Province of Maryland, which said Commission was published this Day, and read in the Presence and hearing of many the Kings Subjects his Lordships Tenants in this Province at the City of Annapolis I have

Lib. M. therefore thought fit to issue this my Proclamation notifying the same to all Sheriffs Magistrates and Others his Lordships Officers in this Province, and I Do further will and direct that all Officers both Civil & Military execute and discharge the several Trusts and Duties in them reposed and enjoyned by the present respective Commissions to them granted until such time as my further Pleasure and Directions shall be signifyed therein Given at the City of Annapolis this Eleventh Day of July in the seventh Year of the Reign of Our Sovereign Lord George the second and in the nineteenth Year of his Lordps Dominion &c Annoq Domini 1733

{Great Seal} J Ross Cl. Conc.

At a Council held at the house of His Excellency the Governor in the City of Annapolis on Saturday the 21st Day of July in the 19th Year of His Lordps Dominion Annoq Dni 1733

Present

His Excellency Samuel Ogle Esqr Governor.

p. 91 The Honble {Col Richard Tilghman, Col Matt. Tilgh: Ward, Philip Lee Esqr} {Michael Howard Esqr, Edmund Jenings Esqr}

His Excellency acquaints this Board that he had taken the several Oaths to the Government appointed to be taken by Act of Assembly and also the Oath for the due Observance of the several Acts of Trade and Navigation, and that he had subscribed the Abjuration and Test before Mr Amas Woodward One of his Lordships Justices of the Peace for Ann Arundel County.

His Excellency lays before this Board a Commission from the Right Honourable the Lord Proprietary appointing him Governor of this Province; which being read; the several Oaths abovementioned were administered to the Governor by the Members of this Board.

Ordered that Samuel Young Esqr Treasurer of the Western Shoar draw on Mr Samuel Hyde Merchant in London out of the money already raised from the Duty of 3d p hhd for Arms for the Sum of Two hundred pounds Sterling payable to his Excellency Samuel Ogle Esqr or Order for the Purchase of 80 Barrels of Powder and One hundred Firelocks or so many of Each as the said Sum will purchase; which Order issued accordingly and His Excellency acquaints the Board that he will send for the said Arms and Powder

At a Council held at the House of his Excellency the Governor in the City of Annapolis on Saturday the 19th Day of October in the 19th Year of His Lordships Dominion Annoq Dni 1733 Lib. M.

Present

His Excellency Samuel Ogle Esqr Governor

The Honble { Charles Calvert Esqr, Coł Richd Tilghman, Coł Matt: Til: Ward, Benjn Tasker Esqr } { Michael Howard Esqr, George Plater Esqr, Edmund Jenings Esqr }

His Excellency acquaints the Board that he has no Business of Moment to lay before the Assembly which stands prorogued to the first Day of December next and desires their Advice to what further Time to prorogue the same, who are of Opinion that the third Tuesday in March next is the most convenient Time; to which Time his Excellency ordered that the same be prorogued, and that Proclamations issue accordingly, which issued in the usual manner.

Ordered, that towards defraying the Publick Charge of this Province for this present Year 1733; there be levyed 1½ Lwt of Tobacco p Poll upon the Taxable Inhabitants of the Province pursuant to an Act of Assembly thereof, and that the same be collected and paid as follows. p. 92

	Lwt Tobo
To Levin Gale Esqr for 4 Days Attendance in May Provincial Court, as a Justice of the said Court and 10 Days Itinerant Charges.	1960
To John Fendall Esqr for 4 Da Do in Do Court & 4 Da Itinerant Charges.	1120
To John Smith Esqr for 4 Da Do in Do Court and 4 Da. Itinerant Charges.	1120
To Robert Gordon Esqr for 7 Da. Do in Do Court	980
To George Dent Esqr for 8 Da Do in Do Court and 4 Days Itinerant Charges.	1680
To William Turbut Esqr for 7 Da Do in Do Court and 6 Days Itinerant Charges.	1820
To Charles Hammond Esqr for 8 Da Do in Do Court	1120
To Joseph Belt Esqr for 4 Da. Do in Do Court and 4 Days Itinerant Charges.	1120
To James Hollyday Esqr for 2 Da Do in Do Court and 6 Days Itinerant Charges.	1120
To Levin Gale Esqr for 5 Days Attendance in October Provincial Court as a Justice of the said Court and 10 Days Itinerant Charges	2100
To John Fendall Esqr for 5 Da Do in Do Court and 4 Days Itinerant Charges.	1260

	Lwt	Tobo
Lib. M. To George Dent Esqr for 5 Da. Do in Do Court and 4 Days Itinerant Charges.		1260
Fo William Turbut Esqr for 5 Da Do in Do Court and 6 Days Itinerant Charges.		1540
To Joseph Belt Esqr for 4 Da. Do in Do Court and 4 Da. Itinerant Charges.		1120
To James Hollyday Esqr for 3 Da Do in Do Court and 6 Days Itinerant Charges.		1260
To Charles Hammond Esqr for 5 Da. Do in Do Court		700
To Mr John Ross in part of his Allowance as Clerk of the Council		16865½
To Mr Thomas Reynolds for 31 Days Attendance as Door Keeper to the Lower house of Assembly at the Session held in March & April last.		3100
To Mr Thomas Jobson for beating the Drum to the Provincial Court & Assembly.		1200
To the Several Sheriffs for collecting 47160 Lwt Tobo being the Quantity levyed on 31440 Taxables at 1½ Lwt of Tobo p Poll		4714½
		47160

St Marys County Dr		Per Contra Cr	
To 2395 Taxables at 1½ Lwt of Tobacco p Poll	3592½	By Sheriffs Salary for Collection	359
		By John Fendall Esqr	1028½
		By George Dent Esqr	748½
		By Mr John Ross	1456½
			3592½

Charles County Dr	Lwt	Tobo	Per Contra Cr	Lwt	Tobo
To 2624 Taxables at 1½ Lwt of Tobacco p Poll		3936	By Sheriffs Salary for Collection		393
			By John Fendall Esqr		1771½
			By George Dent Esqr		1771½
					3936

p. 93 Calvert County Dr		Per Contra Cr	Lwt	Tobo
To 1968 Taxables at 1½ Lwt of Tobacco p Poll	2952	By Sheriffs Salary for Collection		295
		By John Smith Esqr		1120
		By Mr John Ross		1537
				2952

Prince George's County Dr		Per Contra Cr	
To 3924 Taxables at 1½ Lwt of Tobacco p Poll	5886	By Sheriffs Salary for Collection.	588½
		By Joseph Belt Esqr	2240
		By Mr John Ross	2705
		By Mr Thomas Jobson	352½
			5886

Lib. M.

Ann Arundel County D^r

To 3551 Taxables at 1½ Lw^t of Tobacco p Poll } 5326½

Per Contra C^r

By Sheriffs Salary for Collection } 532½
By Robert Gordon Esq^r 980
By Charles Hammond Esq^r 1820
By M^r John Ross 1994
5326½

Baltimore County D^r

To 2924 Taxables at 1½ Lw^t of Tobacco p Poll } 4386

Per Contra C^r

By Sheriffs Salary for Collection } 438½
By M^r Thomas Reynolds 3100
By M^r Thomas Jobson 847½
4386

Cecil County D^r

To 1787 Taxables at 1½ Lw^t of Tobacco p Poll } 2680½

Per Contra C^r

By Sheriffs Salary for Collection. } 268
By M^r John Ross 2412½
2680½

Kent County D^r

To 2096 Taxables at 1½ Lw^t of Tobacco p Poll } 3144

Per Contra C^r

By Sheriffs Salary for Collection } 314
By M^r John Ross 2830
3144

Queen Ann's County D^r

To 2391 Taxables at 1½ Lw^t of Tobacco p Poll } 3586½

Per Contra C^r

By Sheriffs Salary for Collection } 358½ p. 94
By William Turbut Esq^r 3228
3586½

Talbot County D^r

To 2338 Taxables at 1½ Lw^t of Tobacco p Poll } 3507

Per Contra C^r

By Sheriffs Salary for Collection } 350½
By William Turbut Esq^r 132
By James Hollyday Esq^r 2380
By M^r John Ross 644½
3507

Dorchester County D^r

To 1950 Taxables at 1½ Lw^t of Tobacco p Poll } 2925

Per Contra C^r

By Sheriffs Salary for Collection } 292½
By M^r John Ross 2632½
2925

Somerset County D^r

To 3492 Taxables at 1½ Lw^t of Tobacco p Poll } 5238

Per Contra C^r

By Sheriffs Salary for Collection } 523½
By Levin Gale Esq^r 4060
By M^r John Ross 654½
5238

Lib. M. 29th January 1733

Ordered by His Excellency the Governor that the following Proclamation issue

Maryland ss

By His Excellency Samuel Ogle Esqr Governor and Commander in Chief in & over the Province of Maryland.

A Proclamation

Whereas His Lordships Tenants, by the Tenour of their Grants or Patents, are obliged to pay their Quit Rents at Saint Marys, which is very remote from, and inconvenient to almost All the Inhabitants of this Province, except those of St Marys County; And therefore for the Ease of the People
p. 95 in this Particular, I have with the Advice of his Lordships Council of State thought fit to issue this my Proclamation to notify that Persons are or shall be appointed to receive the Quit Rents in some One or more convenient Place or Places in Each respective County to whom all Persons owing any Quit Rents may pay the same at such Place and Places as shall be appointed for that purpose; And to publish and declare, And it is hereby published and declared that such paymt shall be deemed as full and ample a Complyance with the Tenour of any Grant or Patent as if made at Saint Marys, and shall avail the Parties paying accordingly And I do strictly require and Command the several Sheriffs of this Province to make this my Proclamation publick in their respective Counties in the usual manner as they will answer the Contrary at their Peril Given at Annapolis this twenty ninth Day of January in the nineteenth Year of His Lordships Dominion Annoq Domini 1733

{Great Seal} J Ross Cł Conc.

At a Council held at the House of his Excellency the Governor on Wednesday 20th of february in the 19th Year of his Lordships Dominion Annoq Domini 1733

Present

His Excellency Samuel Ogle Esqr Governor

The Honble {Coł Matt: Tilghman Ward, Philip Lee Esqr; Benjamin Tasker Esqr, Edmund Jenings Esqr}

His Excellency produces to this Board the Right Honourable the Lord Proprietary his Order to him as Chancellor

directed and also his Report thereon which follow in these Words. Lib. M.

Whereas it hath been represented to us that Great Delays as well as Unnecessary Expence, have been Occasioned in Causes in our Court of Chancery, for want of Proper Officers as well to take the Examinations and Depositions of Wittnesses Concerning the facts in Issue in such Causes as also to take & State Accounts Decreed & to be referred to such Officers for Report therein; all which is According to the present Practice done by Comcons Directed to Persons often illiterate and Incapable of doing the same we taking the same into Our Consideration, Do hereby require and Command our Chancellor to make Report to us touching the Trueth of the said Representation and Return his Opinion and Judgment Concerning the same That such further Order may be made in the Premisses for the Expediting of Justice, as to us shall seem reasonable and Convenient.

To the Honourable Sam[l] Ogle Esq[r] Baltimore
Chancellor of Our Province of Maryland.

In Obedience to an Order of the Right Honourable the Lord Proprietary to me Directed whereby I am Commanded to make Report to his Lordshipp touching the Truth of a Representation, That great Delays as well as unnecessary Expences have been Occasioned in the Court of Chancery for want of Proper Officers as well to take the Examinations and Depositions of Wittnesses Concerning the facts in Issue in such Causes as also to take and State Accounts Decreed by the said Court, and to return my Opinion and Judgment Concerning the same, I Do Humbly Certifie that it is the Method and Practice of the Court of Chancery after Issue is Joyned in the Cause to take out a Commission Directed to four Commissioners Living in the County where the fact Arises, Whereby they are Authorized to take the Examination of Wittnesses Concerning the facts in Issue and (in Case the matter in Dispute be matter of Account) to take and settle all Accounts between the parties, Which Commissions are usually Executed in an Ordinary or Tavern, in the Publick hearing of the Parties, and for the Executing of which the Comm[rs] with the Clerk by them Chosen to Demand from the parties a fee of Ten Shillings a Man ꝑ Diem; and all their Expences to be paid during the time of their Sitting, Concerning which Method of Proceeding, my opinion is that besides the great Expence often Complained of by the parties, the same is not only Dilatery, But also Irregular and preposterous, and a great meanes for the Increase p. 96

Lib. M. of Perjury and the Subornation of it, For it is very Dilatary in Regard the Attorneys who are concerned in the Cause and who for the most part live in Annapolis do not and will not for the present fee Limitted by Law attend the Commissioners in the Country, so that the parties and Comm^rs who are Ignorant in such matters, Being left to themselves, The Depositions are often Obscurely or Deficiently taken, Accounts ill stated and the Iudgment of the Commissioners thereon either not at all, or Uncertainly Reported, so that the Court hath been Obliged to Issue a second or further Commission, which sometimes hath not been attended with greater Success than the Former.

But it is also Irregular and Preposterous, that a Commission should Issue to take an Account against a Defendant before it is Decreed, Either that he is Accountable to the Plaintiff or if so, without any Directions to the Commissioners in what manner to take the Account, either as to the Subject matter of it, as to the time from whence to be taken, what allowances to be made &c and other Previous Requisites by way of Direction to the Commissioners who are only Ministerial Agents for the purpose, And the Consequence of such an Irregular proceeding has been, That in some Cases an Account hath been taken, When by the Decree of the Court afterwards the Party hath been Adjudged not to be Accountable And in other Cases the Comm^rs being Doubtfull which way to take the Account, have taken it two ways, both which have been Adjudged wrong, and altho' it may and hath been sometimes Practised, to take out one Commission before the hearing to take the Examinations of Witnesses, and after it another to state the Account Decreed yet the parties to save time & Expence most Commonly have been Induced to take out but one Commission w^ch Generally hath been Attended with the Contrary Effect.

p. 97 But further such a Method of Proceeding is a great meanes for the Increasing Perjury and the Subornation of it, for the Witnesses being Examined in Such a publick manner, Either party knowing the Strength of the Evidence against him may be Tempted to procure false Wittness to Invalidate the same.

For the Remedy of all which Inconveniencies I Humbly offer it to His Lordshipps Wisdom and Consideration, That an Officer may be Created with power and Authority given to him as well for the taking Examinations of Wittnesses as to the fact in Issue agreeable to the Business & Nature of the Office of an Examiner in Court in the Chancery of England, as for the taking all Accounts Decreed Reporting all matters of fact Referred to him, As also for taking all affidavits and probates of Answers agreeable to the Nature and Business of a Master in Chancery

in England and also with all other and such powers as are practised and Exercised by the said Officers of Examiner and Master in the Court of Chancery of England, so farr as the Different Circumstances of the Court of Chancery of Maryland and the Court of Chancery of England will Admit, for the said Offices being no way Incompatible, and the Business of the Court here not being so great, But that one Person may Execute both, if they are joyned a Person of greater Skill and Honesty may be procured Lib. M.

By this Method (the Intended Officer constantly residing in Annapolis) the Depositions of Witnesses may be taken at any time as their Convenience Serves They will be taken likewise w^th^ the greatest Privacy (The Officer being sworn for that Purpose) and it is hoped with Clearness and Accuracy, Acco^ts^ Decreed will be taken and Stated with Expedition and Judgment, The Attorneys attending the Officer with their Reasons objections and Answers Concerning the same, all matters of fact Referred by the Court, will be Reported with Greater dispatch and all the proceedings Carried on with less Expence than they are at present.

All which is Humbly submitted to his Lordshipps Consideration

Dated this Ninth Day of June 1733.

Sam^l^ Ogle.

Whereas in pursuance of our Order Our Chancellor The Honourable Sam^l^ Ogle Esq^r^ hath Certified to us by his Report bearing date the ninth day of June 1733 That it is his opinion that the Practice in our Court of Chancery of Issuing Commissions to persons residing in the Country as well to take the Examinations and Depositions of Witnesses as to the fact in Issue in the Cause, as also to take all Accounts between the Parties is Attended w^th^ great Delay and Expence to the Suitor as also with a just reasonable fear of the Increase of Perjury and Subornation of it, and that for preventing the like Inconveniences for the future It is necessary that an officer should be Created for the taking such Depositions and matters of Account which officer shall Constantly reside in our Metropolis and be Sworne faithfully to Execute his office We taking the said Report & opinion Into our Consideration Do Approve thereof and we do hereby Authorize and Command p. 98 our said Chancellor as soon as Conveniently may be to Issue our Commission under our Great Seale to such Person as he shall think Proper thereby Giving and Granting to such Person full power & Authority to take the Examinations and Depositions of Witnesses as to the ffacts in Issue in all Causes Depending or hereafter to be Commenced in our Court of

Lib. M. Chancery Agreeable to the Nature and Business of an Examiner in Court in the Court of Chancery in England as also to take all Accounts Decreed, to Report all matters of fact referred to him, and to take all affidavitts and Probates of Answers Agreeable to the Nature and Business of a Master of the Court of Chancery in England, And all other and such powers as are practised or Exercised by the s^{d} Officers of Examiner and Master of the Courts of Chancery of England so far as the Circumstances of the Courts of Chancery of Maryland and England will Admit, And we doe hereby for our Selves our heires and Successors grant unto our said Chancellor and all other our Chancellors for the time being full power and Authority to Appoint and Nominate the said Officer and to Issue such Com̄cons as are herein before directed Provided That such Commission now or hereafter to be granted shall be Determinable at the Will and pleasure of Our Chancellor for the time being, and with no other Limitation of time or Continuance whatsoever, And when and as often as he the said Chancellor shall think fitt to Issue a New Commission to such person as he or they shall think Proper And we do hereby Direct & Command our Lieutenant Governour for the time being to take into his Consideration the severall Services which shall or may be performed by the said Intended Officer and to Limitt and Adjust such fee and reward for each service as shall be just and reasonable Which fee or fees we hereby Authorize and Impower such officer to take and receive to his own use and Benefitt, But our Will and pleasure is That such fee or reward so to be Settled shall not Intrench upon or Diminish any fees or perquisites belonging or Appertaining to any other of our Officers now in being.

Baltimore

Upon reading the aforegoing Order and Report and subsequent Order thereon, His Excellency desires such Fees may be considered of by this Board, as may be thought just and reasonable for such an Officer, when appointed, to receive for the Services, he by Virtue of his Office as Master and Examiner in the high Court of Chancery, shall be obliged to perform

Ordered that the following Fees be received by such Officer for the services to be done by him, and no more

Fees to the Examiner and Master in Chancery

	£	s.	d.
For Every Affidavit or Probate of an Answer in Chancery.	00:	01:	0

	£ s. d.	Lib. M.
For Every Oath administred to any Witness examined by him.	00: 01: 0	
For the Return of Every Examination of Witnesses, and Report made on any Matter referred to him, computing 7 Words in a Line & 12 Lines in a Sheet, & so pro Rato	00: 01: 4.	
For Every Day on which he shall be attended, and proceed in the settling any Matter of Account referred to be taken by him	0: 10: 0	p. 99

Ordered that the Clerk of this Board draw an Order on Coł Samuel Young Treasurer of the Western Shoar payable to John Young or his Order for forty Pounds Sterling being his Years Salary for cleaning the Arms &c ending the 11th Day of January last to be paid out of the money arising from the Duty of Three pence ꝑ hhd for Arms &c.

Ordered that the Clerk of this Board draw an Order on Coł Samuel Young Treasurer of the Western Shoar payable to Mr Charles Slye or Order for twenty pounds Sterling being his half Years Salary as Adjutant of this Province ending the 8th Day of February last, to be paid out of the money raised from the Duty of Three pence ꝑ hhd for Arms &c before 8th of August 1732; And It is likewise Ordered that the said Charles Slye be continued Adjutant of this Province with the Usual Salary for One Year longer, which Year commenced 8th of August 1733.

The Clerk of the Provincial Court attending lays before this Board several Sheriffs Bonds entered into by themselves and Sureties for the due Execution of their Offices, which Bonds with the Sureties being considered of, are approved, and ordered to be so endorsed and returned to the Clerk of the said Court

Ordered that the Clerk of this Board write a Letter to the several Shfs of this Province requiring them to give Notice to the Gentlemen of the Assembly in their said Counties, that their Attendance is required at Annapolis at the Time they were prorogued to by the last Proclamation

At a Council held at the house of his Excellency the Governor on Thursday 21st Day of February in 19th Year of his Lordships Dominion Annoq Domini 1733

Present

His Excellency Samuel Ogle Esqr Governor

The Honourable Coł Matthew Tilghman Ward, Benjamin Tasker Esqr, Philip Lee Esqr, Edmund Jenings Esqr

Lib. M. His Excellency lays before this Board the following Depositions taken before Robert Gordon Esq[r] One of His Lordships Justices of the Provincial Court the fifth Day of this Instant February

The Deposition of Thomas Cresap of Baltimore County Planter Aged about Thirty One Years

This Deponent being sworn on the Holy Evangelists of
p. 100 Almighty God deposeth and saith that on Tuesday the Twenty Ninth Day of January last about two Hours within Night, a Considerable Number of Men (some of them this Deponent heard Declare there were fifty) Came on horse back & on foot to this Deponents house and Ordered the Door to be Opened, and some of them Swearing that if he Did not Immediately open the Door and Surrender himselfe to them they would Oversett the House, others that they would Burn it and the People in it. That this Deponent being Apprehensive that the said persons Intended to do him some Mischief Barred and Secured his Doors in the best manner he could, that some of the said Persons Attempted to pull some of the Clap boards off this Deponents house, And with an hand spike or some other Instrument forced the Door off the hinges & Endeavoured forceable to get in. That this Deponent Discharged a Gun amongst them after they had forced the Door off the Hinges. That afterward some of them got by force into this Deponents house, and one of them Assaulted him, and that he verily believes that one John Hendrick a neighbour of this Deponents & his Servants were among the said Persons, And this Deponent further Deposeth and Saith that one of the said Persons had like to have killed a Young Child in this Deponents house, and that he [is] afraid of being Murthered in his house by the meanes or procurement of the said John Henderick. That one Ross an Inhabitant of Donegall one John Nicholls of Prince Georges County & William Linville were among the said Persons. That some of them were Armed That one of them Dropt a Pistol near this Deponents Door w[ch] one of the People in the house with this Deponent took up, and which Pistol one of the Persons who came in the Violent manner before mentioned to this Deponents house Attempted to discharge into this Depon[ts] house against this Deponent or some of the People who were with him in his house, That this Deponent Talking with the said Hendrick some time since in a friendly manner desired him to take up his Land under the Lord Baltimore and live peaceable. To which the said Hendrick Answered that he valued not the Lord Baltimore, for that he the said Hendrick

had the Indians at Command & they would Defend him. Lib. M.
That once an Indian being Drunk presented his Gun at this Deponent to Shoot him & afterwards declared he was hired thereto by the said Hendrick, and that the said Hendrick hath Disturbed the Lord Baltimores Tenants. And further at present this Deponent saith not.

Thomas Cresap

The Deposition of John Lowe of Baltimore County Planter aged about forty Six years.

This Deponent being Duely sworn on the Holy Evangelists Declares that he was at Thomas Cresap's house on the Twenty Ninth day of January last, and that a great Number of People about two hours within Night came to the s^{d} Cresaps house and in a threatening manner Demanded that the Door might be opened that one William Boring William Smith and this Deponent's son who were in the said House Endeavoured with the said Cresap to keep the Door Shut, that some of the persons without Doors Called to their Companions to Surround the house, some of them Swore they would Overset it others that they would Burn it. That this Deponent not Venturing to go out of the s^{d} house Cannot tell the number of the said People (but by the Noise they made about the House) beleives there were at least Twenty of them, that some of them said they had ffifty Men there that Night to take the s^{d} Cresap And if they were not Enough they would have five hundred there next Morning for the same purpose, That severall of the said Persons forced the said Cresaps Door off the Hinges and Endeavoured to Enter the house in a Violent manner and that then the said Cresap Discharged a Gun amongst them and as this Deponent beleives Wounded one of them, that one of the said Persons came forceably into the House and Assaulted the said Cresap and afterwards had like to have killed a Young Child of this Deponents, That the next Morning this Deponent saw one Edward Murphey and asking him what was the Occasion of the Violence Committed the Night before at Thomas Cresap's to w^{ch} the said Murphey Answered that the Design was to take up & Imprison any Person who should take up any Lands under Maryland Rights or under the Lord Baltimore. That William Linville & John Nicholls were Among the said persons & further at present saith not.

John Low.

The Deposition of William Smith of Baltimore County aged between Thirty and forty Years.

This Deponent being duely sworn on the Holy Evangelists of Almighty God Deposeth and Saith. That he was in the

Lib. M. house of Thomas Cresap of Baltimore County on Tuesday the Twenty Ninth day of January Last and that about two hours within Night a Considerable number of People being at least Twenty in Number as he verily beleives came in a Violent manner & required the Doors to be opened and the said Cresap to Surrender himselfe to them, one of them Swearing he was Sheriff of Lancaster County And others saying that they were to be Supported in their proceedings by one Emmerson a Lawyer in Pensylvania and that they were then fifty Men & if they were not Enough they would have five hundred there next Morning to take the said Cresap. That the said Cresap declared his house was his Castle and he would Defend it, upon which some of the said persons Swore they would oversett the house of the said Cresap and others that they would burn it. That some of them Endeavoured to force open the Door and enter into the said house with the said Cresap this Deponent and others that were in the house Endeavoured to prevent. That severall of the said persons forced the Door off the hinges and were forceably and Violently coming into the house upon which the said Cresap Discharged a Gun Amongst them and beleives wounded one of them That one of The said persons came forceably into the house and Assaulted the said Cresap. That some of them Seized this Deponent but upon his Asking them what they Intended to do and telling them that he was a Stranger they let him go. That one William Linville was amongst the said Persons Armed with a Gun and Another of them had a Pistol which he snaped at the said Cresap or one of the People that were in the house with him who stood close together which Pistol or Another was Dropt and taken up near the said Cresaps Door that one or more of the said Persons several times said and Swore they would hang the said Cresap and burn his house & all that were in it. This Deponent thinks that the said Linville was painted after the manner the Indians Paint themselves. That the said Persons Continued at the house of the said Cresap above an hour, And that they continued to Threaten the said Cresap while they Stayed. That this Deponent was at the house of one James Pattison of Conestogoe in the Christmas Holydays and speaking of his Intention to Settle in Maryland and some People there to Discourage this Deponent therefrom and to Insinuate the Danger of his so Settling as this Deponent understood Declared that there were Disciplined men Enough in Donegal to beat all Maryland and further saith not.

William Smith

Ordered that the Sheriff of Ann Arundel County bring the Lib. M.
Bodies of John Hendrick and Joshua Minshul before this Board immediately

The said John Hendrick and Joshua Minshul appearing his Excellency informs them of the Complaints made against them by several of His Lordships Tenants; and at the same time acquaints them, that the Board is willing to hear what they have to say in Justification of themselves; the said Henderick and Minshul having made their Defence are Ordered to withdraw

Upon Consideration of the aforegoing Depositions and the Defence made by John Hendrick and Joshua Minshul It is advised resolved and Ordered that they the said John Hendrick and Joshua Minshul be committed to the Custody of the Shf. of Ann Arundel County, and that the Form of the said Commitment (being drawn by M^{r} Attorney General and approved of by this Board) be in the Words following

Maryland ss^{t}

Whereas It appears to Us the Subscribers Members of His Ldphs hon̄ble Council met in Council at the City of Annapolis the 21st of february Anno Dni 1733 that John Hendrick hath frequently fomented divers Riots and other Violences and Disturbances of the Peace of the Lord Proprietary, and hath deterred and intimidated several Persons from settling in this his Lordships Province and under his Jurisdiction, sometimes threatening to induce the Indians to fall upon and destroy the persons of such as would so settle, or to plunder them and burn their houses to the Great Terror of his Majesty's Subjects, and the Subversion of his Lordship the Lord Proprietary of Maryland his Peace and just Rights

These are therefore in his Lordships Name to will and require You to take into your Custody the Body of him the said Hendrick, and him safely to keep, until he shall be discharged by due Course of Law, for which this shall be your sufficient Warrant Dated at Annapolis this 21st Day of february Anno Domini 1733

To M^{r} Nicholas Maccubbin high Sheriff of Ann Arundel County	[Seal]	Sam^{l} Ogle
	[Seal]	M. T. Ward
	[Seal]	Benj^{a} Tasker
	[Seal]	Philip Lee
	[Seal]	Edm: Jenings

Maryland ss

Whereas It appears to Us the Subscribers Members of his Lordships honourable Council met in Council at the City of Annapolis the 21st of february 1733, that Joshua Minshul hath

Liber. M. fomented divers Riots and Disturbances, and frequently disparaged the Title of the Right Honourable the Lord Proprietary of Maryland to the said Province, and hath given out in threatening and menacing Speeches that he would shoot his Lordship or any Person who should dare to act by Virtue of any Authority derived from his Lordship against the Peace &c.

These are therefore in his Lordship's Name to will and require You to take into your Custody the Body of him the said Minshul, and him safely to keep until he shall be discharged by due Course of Law, for which this shall be your sufficient Warrant Dated at Annapolis this 21st Day of february Anno Domini 1733

To Mr Nicholas Maccubbin high Sheriff of Ann Arundel County	[Seal]	Saml Ogle
	[Seal]	M. T. Ward
	[Seal]	Benja Tasker
	[Seal]	Philip Lee
	[Seal]	Edm: Jenings

At a Council held in the Council Chamber on Monday 25th of March in the nineteenth Year of His Lordships Dominion Annoq Dni 1734

Present

His Excellency Samuel Ogle Esqr Governor

The Honble	John Hall Esqr	Philip Lee Esqr
	Col Richd Tilghman	Michl Howard Esqr
	Col Matt: Tilghman Ward	George Plater Esqr
	John Rousby Esqr	Edmund Jenings Esqr

His Excellency acquaints this Board that he is informed that a Vote hath passed this Session in the Lower house of Assembly declaring some of their Members disqualifyed from attending in that house the said Members having accepted Places of Trust since their Election; and desires their Opinion whether the Assembly may be dissolved upon such a Conjuncture, This Board is of Opinion the Assembly should be dissolved; but desires his Excellency would be pleased to delay the doing it until the Afternoon

Eodem Die post Meridiem

At a Council held in the Council Chamber

Present as in the Morning

His Excellency lays before this Board the following Speech

Gentlemen of the Lower House of Assembly

It is with very great Concern that I find myself under a Necessity of taking notice of your expelling several of the

Members of your House for only accepting of Offices under the Government since their Election, although there is no Law of this Province to render them unqualifyed, or incapable to sit for that Reason: Had the Gentlemen You have been pleased to expel been guilty of, or charged with any Misdemeanor in their Duty as Members of your House, You would have been the proper Judges how to proceed, and I would not pretend to interpose, but when you have proceeded to so great a Length, as either to make a Vote, or Resolution of your own house, equally valid and binding to an Act of Assembly or else to form a violent and unreasonable Construction upon Laws, so as to make them agreeable to your Purpose, I could not, without being wanting in my Duty to his Majesty, His Lordship the Lord Proprietary, as well as the Discharge of the Obligation I am under to preserve the Rights and Liberties of his Majestys Subjects under my Government, delay exercising that Authority with which I am intrusted in preserving Our Constitution, & hindering One Branch of Our Legislature from engrossing the same Power and Authority which is vested, and only vested in the whole. Lib. M.

It has always been the Custom of Our Mother Country, to keep up & support that necessary Dependance, which One Part of the Legislature has, and ought to have upon Others, to the End that Publick Interest may be carried on by the united Endeavours of all the Parts of the Legislature: It is by observing these wise Maxims, that Our happy Constitution is so firmly established, and Nothing can in all Probability tend more to weaken that Establishment, than the overthrowing that Dependance I have been mentioning; and It is evident to any considering impartial Man, that your expelling your Members in the manner You have done, is assuming a Power to your selves entirely independent, and indeed destructive of the Other Parts of the Legislature, and of the Liberties and Properties of his Majestys Subjects, which not only as a Governor but as a Subject to his Majesty King George, I am obliged to support and maintain to the utmost of my Power; And therefore with the Advice of his Lordships Council of State, I dissolve this present General Assembly, and It is accordingly dissolved

The aforegoing Speech being read, is approved of; and It is the Opinion and Advice of this Board that his Excellency be pleased to dissolve the present General Assembly

Lib. M. At a Council held at the house of his Excellency the Governor in the City of Annapolis on Tuesday the 26th of March in the 19th Year of his Lordship's Dominion Annoq Domini 1734

Present as Yesterday

Upon reading and considering the several Depositions laid before this honourable Board in Relation to the many Disturbances and Violences daily committed upon the Borders of this Province by the Pensylvanians; It is advised resolved & ordered that a Representation of the same be drawn by this Board, and sent to the Right Honourable the Lord Proprietary; which Representation being drawn, is read, and approved of by this Board in the following Words.

To the Right Honourable Charles Lord Baron of Baltimore Lord Propry of the Province of Maryland

The humble Representation of the Governor and Council of the said Province

Your Lordship having been pleased by Our Stations in this Government to intrust Us with a Watchfulness and Care for the Preservation and Safety of this his Majesty's Dominions and your Lordships Province, might justly tax Us with a Remisness in Our Duty to his Majesty and Faithfulness to your Lordship, should We be silent on an Occasion which requires Our utmost Efforts and Endeavours to prevent the like pernicious Consequences as have happened from the unsettled Boundaries between this Province and the Province of Pensylvania

Although We pass over the many unwarrantable Attempts to incroach upon your Lordships known Jurisdictions, and even to dispossess your Lordship's acknowledged Tenants; Yet with the deepest Sense of the unhappy Situation Our Frontiers are in, We must humbly represent to your Lordship Our Apprehensions from Encouragements openly avowed of bringing the Indians as Enemies amongst Us; Nor have the bold Disturbers of Our Peace stoped in Words, but such have been the Violences, that nothing less than the utmost force could repel them, which occasioned the Loss of One of his Majesty's Subjects.

We beg Leave to lay before your Lordship the Examinations and Proofs to support these Particulars, which we humbly submit to your Lordships Wisdom; And as We hope so We doubt not of your Lordship's Readiness to take such effectual

Measures, as may hereafter secure His Majesty's Subjects and your Lordships Tenants Lib. M.

Sam: Ogle
Jn° Hall
R^d Tilghman
M. T. Ward
J. Rousby
Benj. Tasker
Ph: Lee
M. Howard
G. Plater
Edm: Jenings

29th January 1734

Ordered by his Excellency the Governor that the General Assembly, which pursuant to the Writts of Election was to have met on the first Tuesday of February next being the 4th Day of the same Month, be prorogued to the third Tuesday in March next being the 18th Day of the same Month, & Proclamations issued accordingly

Baltimore [Seal] Orders and Instructions to Our Trusty and Welbeloved Samuel Ogle Esq^r Governor and Commander in Chief of the Province of Maryland

1 You shall call our Council, and make known to them Your Comission and qualifie yourself accordingly

2^dly You shall as Chancellor be aiding and assisting to Our Agent, and Judge of Our Land Office in all that relates to their respective Offices, and sign all Proceedings relative ther eto

3^dly You shall farm if You think it for my Service my Quit Rents of the whole Province at the Rate of Twenty to Twenty five per Cent Discount taking such Security as my Agent and Attorney General for the time being shall approve of, obliging the Farmers to make Returns or Rent Rolls yearly to my General Rent Roll Keepers of the respective Shoars, as you with the Advice aforesaid shall think proper

4^thly My General Rent Roll Keepers to be by You appointed shall be Two, One on the Western, the Other on the Eastern Shoar, for which they shall be allowed five per Cent on the Amount of the Rent of the respective Shoar, if farmed; if collected, on so much as is and shall be collected within the Year, which General Rent Roll Keepers, You are directed to inspect with Our Agent for the Time being, and to give such Directions for the Regulation of the same, as You and the Agent shall think expedient for the better keeping and compiling the same

Lib. M. 5thly If You shall judge it more for my Service You shall appoint Receivers of my Rents in each County, allowing them Ten per Cent for all they shall receive within the Year. You shall take sufficient Security from them, and give them such Directions as my Agent and Your self shall judge for my Service

6thly You shall with the Advice of my Agent, lett or lease my Manors or Reserves and appoint such Stewards or Other Officers of the same, as shall be thought convenient, and when You have determined on the Conditions that Each respective Manor shall be lett for; You shall make it known to the Stewards or Other Officers thereof, and direct them to inform all Persons willing to become Tenants thereof; You shall with the Advice aforesaid allow such Gratuities to the Stewards of the Manors as shall be thought adequate to their Services

7thly My Agent shall sign with You all the Leases of the Manors aforesaid, or other Acts and Deeds relative to his Office, and take to himself such Perquisites as have heretofore belonged to him, until my Pleasure to the Contrary

8thly Our Judge of Our Land Office shall take all such Fees to himself as usual until Our Pleasure to the Contrary be known

Given under Our hand and Seal at Annapolis this Eighteenth Day of June in the nineteenth Year of Our Dominion Annoq Domini 1733

By his Lordships Command

William Janssen.

At a Council held in the Council Chamber on Wednesday the 26th day of March in the twentieth Year of his Lordships Dominion Annoq Domini 1735

Present

His Excellency Samuel Ogle Esqr Governor

The Honble { Col Richard Tilghman, Col Matt Tilghman Ward, Benjamin Tasker Esqr, Philip Lee Esqr } { Col John Rider, Michael Howard Esqr, George Plater Esqr }

Thomas Cresap appearing before this Board made the following Deposition

The Deposition of Thomas Cresap of Baltimore County Planter aged thirty two years or thereabouts.

This Deponent being duly sworn on the holy Evangels of Almighty God deposeth and saith that he hath received In-

formation from several creditable Persons that One John Emerson a practising Lawyer in the Province of Pensylvania and an Assembly Man in that Government, and One Robert Buchanan Sheriff of Lancaster County in the said Province have by Virtue of some Authority which they have or pretend to have from the Government of Pensylvania laid in wait to take this Deponent Prisoner, and to carry him to some Goal in the said Province, and have frequently declared and sworn that they would take this Deponent either dead or alive; and that they have offered large Rewards to several Persons to take this Deponent either dead or alive, and to set his this Depont[ts] house on fire, And this Deponent further deposeth and saith that he is really afraid that the said Emerson and Buchanan will do this Deponent some personal Injury or destroy his Property, or cause the same to be done, and for Cause of such his fear, besides what is herein before set forth, this Deponent deposeth and saith that three Men came from Pensylvania to Joppa in Baltimore County who confessed that they were sent thither on Purpose to entice this Deponent to go along with them towards his this Deponents own house with Intent to surprize and seize this Deponent on the Road, and that they the said Emerson and Buchanan with several Others in Company with them took One William Canon of Baltimore County who is a Constable and some other Persons on the Road about ten Miles to the Southward of this Deponents Plantation and stayed at the Place some considerable time to wait for this Depon[t] and not meeting with this Deponent tied and carried away the said Constable whom they still detain as a Prisoner as this Deponent hath been credibly informed

Lib. M.

Tho[s] Cresap.

Sworn to before the Gov[r] & Council
this 26[th] of March 1735
Test J Ross Cl Conc.

The Consideration whereof is referred to the next Council Day.

His Excellency acquaints the Board that he has drawn an Order on Samuel Young Esq[r] Treasurer of the Western Shoar payable out of the Duty arising from the three pence ꝑ hh[d] for Arms &c to John Young for fifteen pounds seventeen shillings and six pence being for 4 mo 23 da salary for his cleaning the Arms &c. ending 4[th] of June Anno Dom 1734; and that he hath appointed by Commission Onorio Razolini of the City of Annapolis Master Gunner and Store Keeper in the Room of the said John Young, and that he likewise drew an Order on Sam[l] Young Esq[r] payable out of the Money aris-

Lib. M. ing from the Duty of three Pence p hh^{d} for Arms to the said Onorio Razolini for Twenty Pounds Sterling being his half Years Salary for cleaning the Arms &c ending 4th December 1734

The Clerk of the Provincial Court attending lays before the Board several Sheriffs bonds entered into by themselves and Sureties for the due Execution of their Offices, which Bonds with the Sureties being considered of, are approved and ordered to be so Endorsed, and returned to the Clerk of the said Court

His Excellency informs the Board that he has drawn an Order on Samuel Young Esq^{r} Treasurer of the Western Shoar payable to M^{r} Charles Slye or Order for twenty pounds Sterling being his half Years Salary as Adjutant of this Province ending the 8th of August 1734, to be paid out of the money raised from the Duty of 3^{d} p hh^{d} for Arms &c before 8th of August 1732.

At a Council held at the house of his Excellency the Governor, in the City of Annapolis on Wednesday the 23^{d} Day of April in the twenty first Year of his Lordships Dominion Anno Dom 1735

Present

His Excellency Samuel Ogle Esq^{r} Governor

The Honble { John Hall Esq^{r} / Col Matt. Tilg: Ward / Benj^{a} Tasker Esq^{r} } { Philip Lee Esq^{r} / M. Howard Esq^{r} / George Plater Esq^{r} }

Upon reading and considering the Deposition of Thomas Cresap made the last Council, It is advised resolved and ordered that M^{r} Attorney General prepare a Representation to be sent to the Right Honourable the Lord Proprietary, and that His Excellency be pleased to issue his Proclamation for apprehending the said Emerson and Buchanan mentioned in the said Deposition, which Representation and Proclamation being prepared are as follow.

Maryland ss

By His Excellency Samuel Ogle Esq^{r} Governor & Comm. in Chief in and over the Province of Maryland.

A Proclamation

Whereas Information is given upon Oath that One John Emerson and One Robert Buchanan of Pensylvania Gentlemen have frequently lain in Wait in Baltimore County within

this Province to take and imprison Thomas Cresap of Balti- Liber. M.
more County Planter One of his Lordships Officers of the Peace of the said County, and if they could not take him the said Cresap alive, him to kill & destroy and have endeavoured to excite and perswade several Persons to burn the house of him the said Thomas Cresap, and him to kill and murder, and also that the said Emerson and Buchanan have unjustly and without any Cause or lawful Authority taken and arrested One William Cannon of Baltimore County Planter and several Others on the publick Road in the said County and them unlawfully and violently imprisoned to the great Terror of his Majestys Subjects Inhabitants of the said County I have therefore thought fit with the Advice of his Lordships Council of State to issue this my Proclamation hereby strictly charging and commanding the Sheriff of Baltimore County and all Other his Majestys Officers Civil and Military within this Province to take and apprehend the said Emerson and Buchanan or Either of them, and when they or Either of them, shall be so taken or apprehended, him or them forthwith to carry before One of his Lordship's Justices of the Provincial Court, to be dealt with according to Law And as a Reward and Encouragement for taking and apprehending the said Emerson and Buchanan I do hereby promise that the Person or Persons who shall take or apprehend them or Either of them shall have fifty pounds Current Money for Each of them Given at Annapolis this 23^{d} Day of April in the 21st Year of his Lordships Dominion Annoq Domini 1735

{ Great Seal } J Ross Cł Conc.

To the Right Honourable Charles Lord Baron of Baltimore Lord Proprietary of the Province of Maryland

The humble Representation of the Governor and Council of the said Province

May it please Your Lordship

We have been heretofore obliged to trouble your Lordship with a Representation of several Outrages committed by the Pensylvanians on such of his Majesty's Subjects as live in this Province near the Borders of Pensylvania, and We were in hopes that the like Outrages would have been prevented by the Care that this Government took to keep Our own People quiet; the Charge the Magistrates had of puting the Laws for Preservation of the publick Peace in due Execution, and the Expectation We had that the Government of Pensylvania would have concurred with Us in keeping every thing quiet

Lib. M. until his most sacred Majesty shall be graciously pleased to interpose his Royal Authority in puting an End to the Disputes concerning the Boundaries of both Provinces: We were confirmed in these Our hopes, by the frequent Declarations made by the Gentlemen in the Administration of that Government that they were determined to live in Amity and good Neighbourhood with your Ldps Tenants, and that they had nothing more at heart, than the Preservation of the Peace among all his Majesty's Subjects

But May it please your Lordship We find by sad Experience that such Professions and Declarations have had no other Effect, but to delude our own People into a Security that has been very pernicious to many of them, and to give an Opportunity to their Neighbours to encroach into their Possessions and deprive them of their Properties; Of these We failed not to complain to that Government as injurious to his Majesty's Subjects, and contrary to their own Professions and all the Rules of Good Neighbours; but these Complaints have produced no other Fruit, but an Encrease to a very high Degree of the Outrages and Violences hereto committed, as Numbers of the People of Pensylvania assembling themselves together within this Province, and riding armed in an hostile manner to the great Terror of his Majesty's Subjects and your Lordships Tenants in Defiance of all Law and Authority menancing such as would not absolutely refuse all Obedience to the Laws and Government of this Province with Imprisonment and Loss of all their Properties, forceable carrying away poor quiet People who have nothing to depend on but the fruits of their Labour from their habitations and imprisoning them, way laying others and threatening to take them alive or dead, threatening to burn their houses, and actually offering large Rewards to loose profligate Fellows to commit the most shocking Villanies: Were these things done by obscure Persons, it might be reasonably supposed that only such were concerned, and that they received no Countenance from any Government, or Men in Authority, and that they might be suppressed, but when Men of known Interest and figure (in that Province) such as Assembly men, Magistrates and Sheriffs appear openly and publickly to be concerned in such Violences, and even avow their Proceedings, as done by Authority of their Government, without ever being contradicted, disavowed or called to an Account; What Miseries may not such of your Lordships Tenants as have the misfortune to live near such ill Neighbours dread? Of this We have Proof: And therefore the Duty of Our Station and a sense of the unjust and severe Sufferings of Our fellow Subjects oblige Us humbly to represent their unhappy Situation to your Lordship, and to beseech

You to obtain some Remedy of their insupportable Grievances Lib. M.

Wee have too much Reason to apprehend that some Men of Interest in Pensylvania do not stick to create Jealousies between Us and some of the neighbouring Indians, which may in Case of a Rupture with the French be fatal to themselves as well as Us.

Sam : Ogle
Jn° Hall
M. T. Ward
Benj[a] Tasker
Philip Lee
M. Howard
Geo: Plater

His Excellency acquaints the Board that Vachel Denton of the City of Annapolis during his Continuance as chief Clerk of the Provincial Court neglected for some Years the entering and making up the Judgments therein rendered contrary to the Duty of his Office and the Trust reposed in him, and in Violation of his Oath of Office to the great Prejudice of all the Suitors concerned in the said Judgments, and which said Judgments are not yet entered up

Advised that the Opinion of the Attorney General be had whether an Information in the Provincial Court will lye against the said Denton for the Offence af[d]

Daniel Dulany Esq[r] Attorney Genl attending acquaints the board that it is his Opinion an Information will lay against the said Denton for such an Offence; It is therefore advised resolved and ordered that the said Attorney General exhibit in the Provincial Court with all convenient Speed an Information against the said Vachel Denton for his Neglect in not making up and recording the Judgments rendered in the Provincial Court for some Years during his the said Dentons Continuance as Chief Clerk of the said Court contrary to the Duty of his Office and the Trust reposed in him, and in Violation of his Oath to the great Prejudice of all the Suitors concerned in the said Judgments.

Ordered that the Justices of the several County Courts of this Province lay before this Board with all convenient Speed the State and Condition of the Records of their several Courts, and in Case any Defects appear therein that they certify in whose time and by what Clerk the same were made, and that they also certify the State & Condition of the several Original Papers Dockets Entries and Minutes of Proceedings of their said Courts ; which Order issued to the sev[l] Justices of the County Courts accordingly

Lib. M. To his Excellency Samuel Ogle Esq[r] Governor of Maryland and the honble Members of his Lordships Council for the same Province.

The Petition of Peregrine Ward Sheriff of Cecil County Humbly Sheweth

That a Writt of Distringas issued out of his Lordships Provincial Court directed to your Petitioner bearing Test the twentieth Day of October Anno Dom seventeen hundred thirty and three whereby your Petitioner was commanded to distrain John Campbell late Sheriff of the same County by all his Lands and Chattels so that he nor any for him should lay hands on them until your Petitioner should have another Writt thereof from the same Lord Proprietary as by the same Writt now in the Provincial Court more fully appears

That your Petitioner in Obedience to that Writt did distrain and seize nine hundred eighty and five Acres of Land and ninety nine thousand seven hundred and ninety four pounds of Tobacco besides sundry other Effects in a Schédule which is hereunto annexed particularly mentioned

That in a Proclamation lately published by the Right Honourable the Lord Proprietary for regulating Officers fees there are no fees ascertained for the Execution of such Writs as is above mentioned, and that by a Clause in the same Proclamation the several Officers are required to apply to his Lordship or his Lieutenant Governor or Commander in Chief and Council for the time being for the Regulation of such fees as should be omitted in the List of fees published and regulated by the same Proclamation.

May it therefore please your Excellency and your Honours the Premises considered to regulate and ascertain what fees your Petitioner shall charge and recover upon the Execution of the Writt of Distringas af[d] and your Petitioner as in Duty bound shall ever pray

Peregrine Ward Sheriff

Upon consideration had of the aforegoing Petition, It is Ordered that the same fees be taken upon a Writt of Distringas as are allowed to be taken upon Executions by Writts of Fieri facias

Ordered that the Clerk of this board draw an Order on Col Samuel Young Treasurer of the Western Shoar payable to M[r] Charles Slye or Order for twenty pounds Sterling being his half Years Salary as Adjutant of this Province ending 8[th] of February last to be paid out of the money raised from the Duty of 3[d] ℔ hh[d] for Arms before 8[th] of August 1732; And it is likewise ordered that the said Charles Slye be continued

Adjutant of this Province with the usual Salary for One Year longer which Year commenced 8th August 1734 Lib. M.

Ordered that the Clerk of this Board draw an Order on Col Saml Young Treasurer of the Western Shoar for £1 : 05 : 0 payable to John Smith Carpenter, and One other Order for £1 : 07 : 0 payable to Patrick Creagh Glazier for Work done to the Council Room both sums to be paid out of the money arising from the Duty of 3d p hhd for Arms &c.

19th June 1735

Ordered by his Excellency the Governor that the General Assembly which stands prorogued to the third Tuesday in July next be further prorogued to the third Tuesday in September next, and Proclamations issued accordingly.

At a Council held in the Council Chamber at the City of Annapolis on Tuesday the 15th Day of July in the twenty first Year of his Lordships Dominion Annoq. Domini 1735

Present

His Excellency Samuel Ogle Esqr Governor

The Honourable { Benjamin Tasker / Michael Howard } George Plater Esqr

His Excellency acquaints the Board that he has nominated James Hollyday Esqr a Member of his Lordships honourable Council, and that he hath also nominated Col Charles Hammond a Member of his Lordships honourable Council and that the said Charles Hammond now attends in Order to be qualified

Whereupon the said Charles Hammond takes the several Oaths to the Governt appointed to be taken by Act of Assembly and likewise the Oath of a Councillor, & subscribes the Oath of Abjuration and Test and takes his Place at the Board accordingly

To His Excellency Samuel Ogle Esqr Governor of Maryland and his Lordships honourable Council now siting

The Petition of William Williamson of the City of Annapolis.

Humbly Sheweth–

That Whereas there being no Assize Law in force when the Regulation of Fees was made by his Lordship in Council, the fees to the Cryer of Assize was not therein mentioned, and your Petitioner being soon after appointed Cryer of Assize for

Lib. M. the Western Shoar, and conceiving that as the Assize is only a Branch of the Provincial Court, and the Trouble in travelling to the several Counties being much greater than if the Business was done at the Provincial Court in Annapolis hath hitherto charged according to the fees allowed by the said Regulation to the Cryer of the Provincial Court and humbly hopes that your Excellency and Honours on Consideration will think it reasonable your Petitioner should be entituled at least to the same fees as by the said Regulation is allowed to the Cryer of the Provincial Court, and humbly prays your Excellency and Honours will be pleased to settle the same accordingly

And Your Petitioner as in Duty bound will ever pray

Upon reading and Considering the said Petition, Ordered that the Cryers of Assize receive the same fees for Services done by them, as are allowed to the Cryer of the Provincial Court in the Table of fees settled by the Right Honourable the Lord Proprietary in Council 14th Day of April Anno Domini 1733

To the honourable Samuel Ogle Esqr Governor of Maryland

The humble Petition of John Brannock of Dorchester County

Humbly Sheweth

That whereas Edmund Jenings Esqr hath taken Iudgment Bonds for Secretarys fees due from Several of the Inhabitants of the said County and for the collecting of the same fees put the said Bonds into the hands of Peter Taylor Sheriff of the said County and thereupon the said Taylor put the said Bonds in Suit and recovered Judgments thereon to the great Damage of your Petitioner and several Others of the same County whereas in Truth your Petr tendered the Tobacco unto the said Taylor being about four hundred, but he by his Under Sheriff denied to receive the same, but executed your Petitioner for thirteen hundred twenty One Pounds of Tobacco being the Cost of the same Suit and Debt, wherefore Your Petitioner most humbly prays that the said Taylor may be prosecuted for Extortion for the Great Abuse that is done to the good People of that County particularly to your Complainant as by the Accounts of the said Taylor ready to be produced and Evidences to prove the same which is submitted to the Consideration of your Excellency and Council which by the Law of the Land has a Power to Order such Offenders to be punished as Your Petitioner conceives and humbly prays

John Brannock

Upon Consideration of the said Petition It is Ordered that the Clerk of this Board send Mr Peter Taylor a Copy thereof, and that Summons issue for the said Taylor to attend this Board on Thursday 24th of October next, at which time It is likewise Ordered that the said Brannock have Notice to attend Lib. M.

His Excellency informs the Board that the Indians of Somerset County have complained to him, that several of the English Inhabitants of that County have encroached upon the Lands reserved for the Use of the said Indians, thrown down their fencing, and destroyed their Corn; Ordered that the Attorney General take Care to get the best Information he can of the fact, and proceed according to Law against such as shall appear to have injured the said Indians in the Premises

To His Excellency Samuel Ogle Esqr Governor of Maryland in Council

The Petition of several of the Sheriffs of this Province on behalf of themselves & the rest of the Sheriffs of the said Province

Humbly Sheweth

That in the Table of fees setled by the Right Honourable the Lord Proprietary of this Province in Council the fourteenth Day of April Anno Domini 1733 in the Eighteenth Year of his Lordships Dominion several fees are omitted which have been always established and allowed either by the several Acts of Assembly made heretofore for Limitation of Officers fees, or by the Governors in Council as due to all former Sheriffs as by the Particulars of the fees so omitted and heretofore allowed hereto annext may appear to which your Petitioners beg Leave to referr, which Fees Your Petitioners are ready to make appear were for Services which were attended with Difficulty and Hazard equal to the Fees allowed them for and which Services your Petrs are still obliged to perform, and humbly conceive his Lordship never intended should be done without any fee or reward and that the Omission of allowing fees for them was occasioned by the Multiplicity of Business his Lordship had to dispatch, and the want of being throughly informed of the Nature and Diversity of the services which Sheriffs are by their Oath and Duty obliged to do besides such as are mentioned in the said Table Your Petrs further humbly shew that the Sheriffs Office is attended with great Trouble and Expence and hazard and that should the Office be deprived of the fees & Perquisites mentioned in the annext particulars it would be so great an hardship & disadvantage thereto that No Person capable of discharging that Office would undertake the same.

Lib. M. Your Petitioners therefore humbly pray Your Excellencys Consideration of the Premises and that your Petitioners and the rest of the Sheriffs within this Province may be relieved therein, and that such fees may be settled and allowed as to your Excellency shall seem adequate to the services to be done and Risque and Hazard to be run

And Your Petitioners will ever pray

William Thomas junr Nichs Maccubbin
James Weems Tho: Hynson Wright

Sheriffs fees Omitted	Lwt Tobo
For an Arrest on a Warrant	35
For serving Duces tecum	35
Return on an Attachment	10
On the Condemnation of any Attachment if it be for 100 and under 500 Lwt Tobacco	50
if it exceed 500 £ Tobacco then	100
if it exceed 1000 Lwt Tobacco then for the first 1000 £	100
and for Every 1000 Lwt after	50
Returning Fieri facias or Replevin Each	10
then the same fees allowed as upon Attachments, the same fees allowed upon any Distress made for Rents	
Returning Writt Retorno habendo	100
the same fees allowed upon this as upon Executions or Attachment	
For returning Writt of Distringas	100
the same fees allowed on this as upon Executions or Attachment	
For Return of an Elegit Extent or Writt of Liberate	100
Impanelling Iury on the same	240
for Swearing the same Each	12
and then the same fees allowed as upon Attachments	
Serving Writt of Restitution	150
Summons in Partition Every Person summoned	30
Serving Writt of Partition	100
Impanelling Iury thereon	240
Swearing the Iury Each	12
Attendance p Day	100
Serving Attachment in Partition	50
Returning Writt Inquiry of Damages	100
Impanelling Iury thereon	240
Swearing the same Each 12 Attendance p Day	100
Proclamation of Rebellion	120
All Countermand fees allowed as if executed Serving Copy of Account	6

Serving Withernam by the last Regulation 10 the fee. & then the same fees allowed as upon Replevins	100	Lib. M
Attendance p Day where required on any Occasion	100	
If any Execution or Attachment be for Curr^{t} money then rating Tobacco at One Penny p Lw^{t} and the same fees allowed as if Tobacco; And if any Execution or Attachment be for Sterling Money its to be brought into Curr^{t} money & then in Tobacco and allowed as before		
Summoning any Person as Evidence to attend Court or upon any Occasion when required Each	30	
Publishing Laws and Proclamation p year		

William Thomas jun^{r} N Maccubbin T: H: Wright James Weems.

Ordered that such of the above fees as have been settled by any Act of Assembly of this Province or Established by any former Order of Council be allowed the several Sheriffs of this Province, and they are hereby directed to receive for the services above mentioned such fees and no more.

Maryland ss.

By his Excellency Samuel Ogle Esq^{r} Governor & Commander in Chief in and Over the said Province.

A Proclamation

Whereas Information is given upon Oath that one John Emerson & one Robert Buchanan of Pensilvania Gent. have frequently lain in Wait in Baltimore County within this Province to take & Imprison Tho^{s} Cresap of Baltimore County Planter one of his Lordships Officers of the Peace of the said County And if they could not take the said Cresap alive him to kill and destroy and have Endeavoured to Excite & perswade Several Persons to burn the House of him the said Tho^{s} Cresap and him to kill & murder and also that the said Emerson and Buchanan have unjustly and without any Cause or lawful Authority taken and Arrested one Will^{m} Canon of Baltimore County Planter and several others on the publick Road in the said County and them unlawfully & Violently imprisoned to the Great Terror of his Majesty's Subjects Inhabitants of the said County I have therefore thought fit with the Advice of his Lordships Council of State to issue this my Proclamation hereby strictly Charging & Commanding the Sheriff of Baltimore County and All other his Majestys Officers Civil & Military within this Province to take and apprehend the s^{d}

Lib. M Emerson and Buchanan or Either of them And when they or Either of them shall be so taken or apprehended him or them forthwith to Carry before one of his Lordship's Justices of the Provincial Court to be dealt with according to Law. And as a Reward and Encouragement for taking & apprehending the said Emerson and Buchanan I do hereby promise that the Person or Persons who shall take or apprehend them or Either of them shall have fifty pounds Current money of Maryland for Each of them Given at Annapolis this 23^{d} day of April in the twenty first year of his Lordship's Dominion &c. Annoq Domini 1735.

[G. S.] John Ross Cł Coun.

3^{d} September 1735

Ordered by his Excellency the Governor that the General Assembly which stands prorogued to the third Tuesday of this Instant September be further prorogued to the third Tuesday of December next, and Proclamations issued accordingly.

At a Council held in the Council Chamber on Friday the twenty fifth Day of October in the twenty first Year of his Lordships Dominion Annoq Domini 1735

Present

His Excellency Samuel Ogle Esq^{r} Governor

The Honble	John Hall Esq^{r}	Mich^{l} Howard Esq^{r}
	Col. M. T. Ward	George Plater Esq^{r}
	Benj. Tasker Esq^{r}	Edmund Jenings Esq^{r}
	Philip Lee Esq^{r}	Col Cha^{s} Hammond

Upon reading at the Board the humble Petition of John Brannock of Dorchester County seting forth as by his Petition preferred to this Board on the 15th of July last may appear ; And this Board being attended by the said John Brannock and the said Peter Taylor; It appeared to this Board by the Oaths and Examinations of Jacob Lockerman Arthur Wheatly John Mills Noah Pearson and John Hatfield taken in the Presence of the said Peter Taylor, that they the said Jacob Lockerman Arthur Wheatly John Mills Noah Pearson and John Hatfield before any Judgment was entered up on the several Bonds against them had offered to pay to the said Peter Taylor the several Sums of Tobacco due on any of the said Bonds executed by them ; And the said Peter Taylor not being able to satisfy this Board that he either went or sent to the houses of the said Jacob Lockerman Arthur Wheatly John Mills Noah Pearson and John Hatfield in Order

to collect such Tobacco before the Judgments were entered up against the said Jacob Lockerman Arthur Wheatly John Mills Noah Pearson and John Hatfield Thereupon this Board do declare their Opinion that as it is just and necessary such Bonds should be paid and complyed with according to the Tenor of them, so it is not less just and equitable that the Persons giving such Bonds should not be subjected to any unreasonable Hardships by any ill Use which may be made of those Bonds: Therefore since it appears to this Board that the said Peter Taylor in entering up the said Judgments and taking the said Jacob Lockerman Arthur Wheatly John Mills Noah Pearson and John Hatfield in Execution before he went or sent to collect the Tobacco so offered as aforesaid hath acted contrary to the Intention and Reason of taking the said Bonds, as well as against the express directions of the Secretary of this Province to him given This Board do recommend to the said Peter Taylor as Sheriff of the said Dorchester County to pay or satisfy to the said Jacob Lockerman Arthur Wheatley John Mills Noah Pearson and John Hatfield all such Costs and Charges which they may have been put to by reason of the entering up of such Judgments as aforesaid; But it is not intended that anything in this Order shall extend to hinder the Recovery of any Tobacco by Virtue of such Judgments which may be due to the Secretary on any such Bonds Lib. M.

His Excellency lays before this Board the following Depositions

Maryland
Baltimore County } October the 16th 1735.

The Depositions of Jos Ogle Aged about 28 years and Patrick Connor Aged about 27 years depose as followeth Viz.

That on the 23rd day of September last past there came Robert Buchanan High Sherriff of Lancaster County and his Brother Archibald Buchanan John Powell Matthew George Sanders Mitchell and John Mitchell in a very rugged unbecoming manner into the Inclosed Field of the afd Jos. Ogle where he the said Joseph was then mowing his Buckwheat, and after throwing down his Fence in several places some taking up Stakes & some Stones They in a very rude manner with these Horses treading and riding through the Grain Surrounded the aforesaid Jos. & Patrick and immediately Seized a certain Andrew Magill an aged Man of about 60 or 70 Who was Assisting the afd Jos. in Gathering his Wheat And by their putting the man down in such a Manner The afd Jos. Ogle Stept up to them & says Gentlemen what do

Lib. M. you mean I beg you will not abuse the man then Letting the man get up The Sherr of Lancaster Robert Buchanan pulled out of his Pockett a Paper Which he told the said Magill was a Writt Which he the said Sherr Served And forcing him away The said Andrew told the Sherr that he holding himself in Maryland would not willingly Surrender himself to them For that as he paid his Levy in Maryland if he Owed them anything And they would apply to the Officers thereof He would readily Submitt But the Sherriff & all his Gang told him they would make him know that he should Submitt to them And that he was then in Pensilvania And that they would force him away with them and did And further these Deponents say not.

Taken before Me

Nat. Rigbie

N : B :

The af^{d} Jos : Ogle lives on the South side of Codorus on a Tract of Land taken up by Andrew Magill of whom the af^{d} Jos. Ogle bought it called the great Meadow

Maryland } October the 18th 1735
Baltimore County }

The Deposition of Edward Evans who deposes as followeth.

That on the fourteenth Instant he went to the House of John Hendrix who keeps Ferry on the West side Susquehannah Where he this Depon^{t} see M^{r} Edward Smout Justice of Lancaster County Thomas Smith high Sherriff of said County John Emerson and a great number of People Who he Supposed to be all Pensilvanians And that he understood they came over into Baitimore County in order to arrest and take away a great many Persons and put all they could take into Lancaster Prison & that they had taken two men and further this Depon^{t} saith not.

Taken before me. Nat : Rigby

Maryland } October the 18th 1735
Baltimore County }

The Deposition of Jacob Loughman Aged about 26 Years deposes as followeth.

That on the 24th day of September last past there Came to this Depon^{ts} House the Sherriff of Lancaster's Brother and Another Man about the breaking of the Day and forced open the door of his House just as this Depon^{t} was getting out of Bed Who asked what they wanted. One of the men asked

this Depon[t] if he could Shoe their Horses He answered No Lib. M.
then they asked him if he could give them a pipe of Tob[o] he replyed Yes and as he was Cutting some tob: on a Table for them there came riding up to the door Robert Buchanan High Sherriff of Lancaster and his Deputy Who tyed their Horses and came into the House Upon which one of the Sherriff's Men took an Ax that was in the House and went to the Oven where was two Poles which was Used to Stir the Fire with & cutt them in four pieces Which he brought to the House And after Each had taken one of those Sticks the high Sherr says. Jacob I have got a Writt for you. A Writt for me says this Depon[t] from Who? The Sherriff says from Postleright, from Postleright says this Depon[t] Why what I owed him is paid The Sherriff replying if it was paid It would be better for Him may be, but no matter he should go with him to Prison & immediately the Sherriff took hold of this Depon[t] and Endeavoured to hawle and Endeavoured to pull him out of his House but this Depon[t] making some resistance by taking hold of Anything to hold by untill the Sherr tore his Wastcoat all from his Back then the Sherriff began to beat him with his Stick upon which this Depon[ts] wife got out of bed and desired to know for what they beat her Husband so And taking hold of her Husbands Arm to Endeavor to pull him from the Sherr. The Sherriff fell to whiping her then, this Depon[ts] Wife & after laying her on about 20 Lashes she having nothing on but Shift & Pettycoat this Depon[t] begged he would not whip her anymore and he would get him another Wast coat And put on and would go with them and when he got out of his House he reasoned a little with the Sherriff & told him he did not belong to Lancaster but that he did belong to Maryland, & why did not M[r] Postleright apply to the Laws of Maryland for he did believe the Laws of Maryland were as good Laws as Pensilvania Laws. At which they damned him and bade him Come along and fell to beating him again with their Sticks and bade him gett up behind the Sherr. But this Depon[t] refusing said if he must go to Prison he would Walk & not ride for which they every now and then give him a Lick bidding him get up then behind the Sheriff then this Depon[t] desired they would take Security for his Appearance at Court. But the Sherriff would not but after they had gone about a Mile & half on the main Road they came to Peter Cartner a Dutch Smith then they told this Depon[t] if his Countryman Peter would be his Security they would take him Upon which they all went into the House and sent for Peter Cartner when he came The Depon[t] (says) he told his Countryman Peter in Dutch not to be his Security for that they could not use him worse than they had Upon which Peter Cartner told the Sherr. he would not

Lib. M. be Security for that he knew this Depon[t] had a Brother over the River that would be bound for him rather than he should go to Prison then the Sherr with this Depon[t] & his Company all went on again for about three miles towards the River where they were met by five Dutchmen One of the Sherr. Gang asked the Dutch men where they were going, They making no Answer, one of the Sherr[s] men struck one of the Dutchmen as they sate on Horse back another lusty Dutchman getts of his Horse said he could not stand & see that then they immediately all got to Fighting Upon which this Depon[t] thought he would Assist his Countrymen & went to pick up a Stick when an Irishman Comes behind him & knocked him down with a Club where he Lay he knows not how long but the first Passage this Depon[t] remembers after Coming to himself was that he see the Sherriff and his Company running away Upon which his Countrymen the Dutchmen looseing their Horses got up and rode after them And in a very little time returned with the High Sherriff of Lancaster Robert Buchanan whom they told this Depon[t] they had Catched and went directly with said Sherriff to Cap[t] Cresap's, And further this Depon[t] saith not

Taken before me. Nat: Rigbie

Jacob Loughman lives about two miles to the Southward of Little Cadorus within one hundred Yards of the main Waggon Road.

The names of the five Dutchmen that took M[r] Rob[t] Buchanan High Sherr of Lancaster Barnett Wyemour Mich[l] Risenar Feltie Craw Leonard Feeroar Francis Clapsaddle

Maryland } October the 18[th] 1735
Baltimore County }

The Deposition of Jacob Herrington who deposes as followeth. Viz—

That on the 13[th] Instant he went over Susquehannah River to the house of one Cornelius Vanholt where he had not been long before there came in a large Company of People all in Arms among which was Jn[o] Hendrix who lives on this side Susquehannah and being Acquainted with him asked what was the meaning of such a Company in Arms Who told him that they were going up to Samuel Blunston's to get warrants for a great many people over the River some for Debt and some for quarrelling And as this Depon[t] was going out of the House of the s[d] Vanholt a man Stept up to him & asked him where he came from Who told him he came from over the River They then Asked him where he was going who told

them he was going to Mr Blunstons & then directly home again Upon which they commanded him to stay and take Company. This Depont being a little Surprized made them no reply but Stayed with them and some time after coming in discourse with one of the Company whose name was William Baker Who told this Depont that their Design was to go over and take Tom: Cresap and that at first sight of him they intended to Shoot him through with a Bullett and that there were twenty five men all in Arms who came over the next morning and further this Depont saith not Lib. M.

Taken before me

Nat Rigbie.

This Depont remembers the names of thirteen Persons which are as followeth. Edward Smont Justice Sam Smith Sherr John Emerson Jas Armstrong Coronr John Powell Dep. Sherr. Joseph Lowe James Mitchell John Mitchell junr John Wilkins. Jos. Hickcombotum Thos Brown Wm Baker

The Deposition of George Soldner of Baltimore County Planter Aged about thirty years

This Depont being duly sworn on the holy Evangelists of Almighty God deposeth and saith That some time in the month of January or February last was twelve Months as this Depont was at work on a Plantation of Thomas Cresaps Robert Buchanan Sherriff of Lancaster County together with about thirty men Several of Whom were Armed with Hangers and Pistols among whom this Depont remembers the following persons to have been Viz. John Wright a Quaker Chief Justice of Lancaster County Court two of his Sons John Emerson a Lawyer Edward Smout a Justice of Peace in Lancaster County and John Powell an Under Sherriff in Lancaster Coty came up to this Depont & took him this Depont and the other Persons following Viz. Philip Crevor, Michael Risnor Posthan Everly Leonard Mozar Enoch Freeland and Emanuel Jones and Carried them all Prisoners to Lancaster Goal where he this Depont & the other Persons mentioned were Confined ten days and Obliged to attend two Courts afterwards before they were discharg'd And this Depont further deposeth and saith that there never was any Indictment or Information found or Exhibited against this Depont or the other Persons afd that he knows or ever heard of And that he knows not why he or the other Persons herein before mentioned were taken and Imprisoned save that he has heard it was for working for the sd Cressop on his Land

Jurat 25 October 1735 The mark of
Coram George S Soldner
Benjs Young

Lib. M. The Deposition of Michael Rusner of Baltimore County Carpenter Aged about Twenty Eight Years.

This Depon[t] being duly Sworn on the holy Evangelists of Almighty God deposeth & saith that sometime in month of January or February last was twelve months as this Depon[t] was at work on a Plantation of Thomas Cressop's Robert Buchanan Sherriff of Lancaster County together with about thirty men Several of whom were Armed with Hangers & Pistols among whom this Depon[t] remembers the following Persons to have been viz. John Wright a Quaker Chief Justice of Lancaster County Court two of his Sons John Emerson a Lawyer Edward Smout a Justice of Peace in Lancaster County & John Powell an Under Sherriff in Lancaster County came up to this Depon[t] & took him this Depon[t] and the other Persons following Viz. Philip Crevor George Soldner Posthan Everly Leonard Mozar & Enoch Freeland and Emanuel Jones & Carried them all Prisoners to Lancaster Goal where He this Depon[t] and the other persons mentioned were Confined ten days & obliged to attend two Courts afterwards before they were discharged And this Depon[t] further deposeth & saith that there never was any Indictment or Information found or Exhibitted against this Depon[t] or the other persons afores[d] that he knows or ever heard of & that he knows not why he & the other persons herein before mentioned were taken and Imprisoned Save that he has heard It was for working for the said Cressop on his said Land.

Sworn 25[th] October 1735
before B. Young Michael Risner

The Deposition of Philip Crever of Baltimore County Planter Aged about thirty one years.

This Depon[t] being duly Sworn on the holy Evangelists of Almighty God deposeth and saith that some time in the month of January or February last was twelve months as this Depon[t] was at Work on a Plantation of Thomas Cressops Robert Buchanan Sherriff of Lancaster County together with about thirty Men Several of whom were armed with hangers & Pistols among whom this Depon[t] remembers the following Persons to have been Viz. John Wright a Quaker Chief Justice of Lancaster County Court Two of his Sons John Emerson a Lawyer Edward Smout a Justice of the Peace in Lancaster County and John Powell an Under Sherriff in Lancaster County came up to this Depon[t] & took him this Depon[t] & the other Persons following viz. Michael Risner George Soldner Posthan Everly Leonard Mozar, Enoch Freeland & Emanuel Jones and carryed them all Prisoners to Lancaster Goal where

he this Depon^{t} & the other Persons mentioned were Confined Lib. M.
ten days and obliged to attend two Courts afterwards before they were discharged and this Depon^{t} further deposeth and Saith that there never was any Indictment or Information found or Exhibited against this Depon^{t} or the other persons af^{d} that he knows or ever heard of and that he knows not why he and the other Persons herein before mentioned were taken and Imprisoned Save that he has heard it was for working for the said Cressop on his said Land.

Sworn 25th October 1735
before B: Young þ Philip Crever

Upon reading and considering the Depositions aforegoing It is advised resolved and Ordered that Proclamation issue for the apprehending Edward Smoot Sam^{l} Smith James Armstrong John Powell Joshua Lowe James Mitchel John Mitchel jun^{r} John Wilkins Joshua Hitchingbottom Thomas Brown and William Baker with a Reward of Ten Pounds for Each of them w^{ch} Proclamation issued as follows

Maryland ss.

By his Excellency Samuel Ogle Esq^{r} Governor and Commander in Chief in and over the Province of Maryland.

A Proclamation

Whereas it appears by the Examination of several Witnesses upon Oath that Edward Smoot Samuel Smith James Armstrong John Powell Joshua Lowe James Mitchell John Mitchell jun^{r} John Wilkins Joshua Hitchinbottom Thomas Brown and William Baker on the fourteenth day of this Instant October and divers Other Persons to the Number of Twenty five in all, armed with Weapons offensive and defensive in a riotus manner met and assembled together in Baltimore County and assaulted beat wounded and imprisoned several of his Majestys Subjects Inhabitants of the said County and with force and Arms have turned them out of their freeholds and Possessions and put many others in great fear and Dread of their Lives to the Great Disturbance of the Peace wherefore I have thought fit with the Advice of his Lordships Council of State to issue this my Proclamation hereby strictly charging and commanding the Sheriff of Baltimore County and all Other his Lordships Officers Civil and Military within this Province to take and apprehend the said Edward Smoot Sam^{l} Smith James Armstrong John Powell Joshua Lowe James Mitchell John Mitchell jun^{r} Jn^{o} Wilkins Joshua Hitchinbottom Thomas

Lib. M. Brown and William Baker or Either of them and when they or Either of them shall be so taken and apprehended him or them forthwith to carry before One of his Lordships Justices of the Provincial Court to be dealt with according to Law, and as a Reward and Encouragem^{t} for taking and apprehending the said Edward Smoot Samuel Smith James Armstrong John Powell Joshua Lowe James Mitchel John Mitchel jun. John Wilkins Joshua Hitchinbottom Thomas Brown and William Baker I do hereby promise that the Person or Persons who shall take or apprehend the said Edward Smoot and Samuel Smith shall have fifty pounds Current money of Maryland for Each of them, and the Person or Persons who shall take or apprehend the said James Armstrong John Powell Joshua Lowe James Mitchel John Mitchel jun^{r} John Wilkins Joshua Hitchinbottom Thomas Brown and William Baker shall have Ten Pounds Current money for Each of them, and I do hereby strictly charge and require the Sherriff of Baltimore County to make this my Proclamation publick in the said County as he will answer the Contrary at his Peril Given at Annapolis this 25th Day of October in the twenty first year of his Ldps Dominion Annoq Domini 1735

J Ross Cł Conc.

His Excellency lays before this Board the following Affidavit.

Michael Howard of Talbot County Gent maketh Oath upon the holy Evangels of Almighty God that Edward Fotterell of the same County Gent came to this Deponents Lodgings the fifth day of this Instant August and demanded in a most outragious manner a considerable Sum of Money from this Deponent alledging the same to be won at gaming several Years ago, which this Deponent refused payment of conceiving that the same was not due in Honour Law or Equity, whereupon the said M^{r} Fotterell, having a Sword by his Side and a Hickory Stick in his hand, worked himself into a most furious Passion and Madness, and often pressed this Deponent in the most aggravating Manner to fight him, challenging often this Deponent so to do, which he absolutely refused, telling the said M^{r} Fotterell as he did several Years ago, when he first claimed the said Money; that he this Deponent would never pay the same nor a Farthing thereof, unless he could recover the same by Law and also assuring him very truly, that he this Deponent, were he minded to fight, had not a Sword fit in any Respect for such Business, which Sayings and Words to that Effect, did but exasperate the said M^{r} Fotterell, telling then this Deponent that he must get his Horse and ride with him

and that he the said Fotterell would get this Deponent a Sword. And this Deponent further saith that he verily believes the said Mr Fotterell on this Deponents refusal to go with him would in the fury and madness he was in, have done this Deponent, being alone in his Chamber, and in a defenceless Condition, some very great personal Mischief, had he not seen a Gentleman ride up towards this Deponents Door, at which the said Mr Fotterell became instantly calm, desiring this Deponent on his Peril or Life, not to say a Word of what had passed. Lib M.

M. Howard

Jurat coram me 9° Die Augusti Anno Domini 1735
J° Leeds

Upon reading and considering the said Affidavit of Michael Howard Esqr a Member of this Board that a Certain Edward Fotterell of Talbot County Gent had insulted him the said Michael Howard Esqr in a very gross manner; It is ordered that the Clerk of this Board deliver the said Affidavit to the Attorney General, and It is likewise Ordered that the Attorney Genl prosecute the said Fotterell, for such his Insult, according to Law.

December 1735

Ordered by his Excellency the Governor that the General Assembly which stands prorogued to the third Tuesday of this Instant December be further prorogued to the third Tuesday in March next, and Proclamation issued accordingly.

Maryland ss

By his Excellency Samuel Ogle Esqr Governor and Commander in Chief in and over the Province of Maryland

A Proclamation

Whereas the present General Assembly of this Province stands prorogued to the 16th of this Instant March, at which Day the said General Assembly was to have met at the City of Annapolis, and whereas thro' the Inclemency of the Weather there is not a sufficient Number of Members of the Lower house of Assembly come to Town to make a House I have therefore thought fit with the Advice of his Lordships Council of State further to prorogue the same and I do hereby prorogue the same until Wednesday the 17th Day of this Instant March and to the Intent that all Persons concerned may have due Notice thereof I do strictly charge and require the Sheriff

Lib. M. of the City of Annapolis to make this my Proclamation publick in the said City as he will answer the contrary at his Peril Given at the City of Annapolis this 16th day of March in the 21st year of his Lordships Dominion Annoq Domini 1735

At a Council held at the City of Annapolis on Saturday the 27th Day of March in the Twenty first Year of his Lordships Dominion Annoq Domini 1736

Present

His Excellency Samuel Ogle Esqr Governor

The honble	John Hall Esqr	Michael Howard Esqr
	Col M. T. Ward	Edmund Jenings Esqr
	George Plater Esqr	Col Charles Hammond

His Excellency lays before the Board the following Letter.

To Samuel Ogle Esqr Deputy Governor of Maryland.

Sir.

His Majesty having been pleased upon the Address of the house of Commons, dated the 12th of the last Month, to direct Us to prepare, in Order to be laid before that House the next Session of Parliament, an Account of what Laws were in Force in any of His Majesty's Colonies in America on the 25th Day of March 1731, and what Laws have been since passed in any of them, by which any Duties or Impositions are laid on the Trade and Shipping of this Kingdom; As likewise an Account of what Duties or Impositions are now payable by any Act or Acts of Assembly in any of the British Colonies and Plantations in America, on the Importation and Exportation of Negros, Wines, or other kind of Liquors, or on any Goods, Wares or Merchandize and Shipping, distinguishing Each Duty or Imposition: We desire you will forthwith upon Receipt hereof cause to be prepared, and transmit to us as soon as possible, a List of the said Laws and the Accounts before mentioned belonging to your Government, so We bid you heartily farewell. & are

Your very loving Friends & humble servants

	Jno Bridgman	Fitz Walter
Whitehall June 17th 1735	R. Plumer	T Pelham
	Ja. Brudenell	Edw. Ashe

The said Letter being read, and considered of, and the following Acct and Letter prepared, It is the Advice of this Board that His Excellency would be pleased to transmit the same to the Board of Trade by the first Opportunity

An Account of what Laws were in force in the Province of Maryland the twenty fifth Day of March Seventeen hundred Thirty and One by which any Duty or Impositions are laid on the Trade and Shipping of Great Britain, As likewise an Account of what Duties or Impositions are now payable by any Acts of Assembly within this Province on Negroes, Wines or other kind of Liquors, or on any Goods Wares or Merchandise Lib. M.

Port Duty of fourteen Pence ꝑ Ton on all Ships and Vessels trading into this Province, due to and received by the Right honourable the Lord Proprietary thereof & his Ancestors, from the Payment whereof Ships and Vessels wholly belonging to the Inhabitants are exempt

An Act was passed to settle a Revenue of three Pence ꝑ hh^{d} on their Majesties Governor Lyonel Copley Esq^{r} being then Governor, which Act has been continued to all succeeding Governors under the Crown by temporary Laws; and is still payable, One half to the Lord Proprietarys Lieutenant Governor, and the Other half to support Free Schools within this Province

Francis Nicholson Esq^{r} being then Governor, An Act was made giving Three Pence ꝑ Ton on Tonnage of all Trading Vessels (except such as belonged to the Inhabitants) to the Governor, which was made perpetual in the Year 1704 Colonell Seymour being Governor.

A Duty of three Pence ꝑ hogshead on all Tobacco exported, has been raised upwards of fifty Years, to supply the Country with Arms and Ammunition for the necessary Defence thereof, which is all the Fund for that Purpose, which is continued by temporary Laws

A perpetual Law was made (the Government of the Province being then immediately in the Crown) to raise twelve Pence ꝑ hogshead upon Tobacco for the support of Governm^{t} which is the only One now in being

By An Act made in that year, Impositions of Three Pence ꝑ Gallon on Rum, Wine, Brandy and Spirits imported (except from England) Twenty Shillings ꝑ Poll on Negroes, and Twenty shillings ꝑ Poll on Irish Servants were laid, which Duties have hitherto been continued by Subsequent Acts, exempting Irish Servants being Protestants, and also Vessels wholly owned by the Inhabitants of this Province from paying the s^{d} Impositions

A Perpetual Law for laying a Duty of Twelve Pence Current money for Every hundred Weight of Dryed Beef and Bacon, and a Duty of Twelve Pence ꝑ Barrel for Every Barrel of Pork and Beef undryed exported by any Persons not Inhabitants of this Province which Duty is applied to the maintaining a Free School.

Lib. M. An Act was then passed for laying an Additional Duty of Twenty Shillings p Poll on Irish Servants being Papists, to prevent the Importation of too great a Number of them into this Province, and an Additional Duty of Twenty Shillings Currency p Poll on Negroes imported, for raising a Fund to support Publick Schools within this Province which Act is still in Force.

An Act was passed for laying a Duty of Twelve Pence p Barrel on Pork; for Every hundred Weight Six Pence, for Every Barrel of Pitch Twelve Pence, and for Every Barrel of Tarr Six Pence, the said Commodities being imported by any other than the Inhabitants of this Province

An Act was then passed laying a Duty of Fifteen Pence Sterling for Every hogshead of Tobacco which shall be exported for and during the Space of Thirty one Years next ensuing the twenty ninth Day of September in the Year aforesaid for the better supporting the Credit of Ninety Thousand Pounds emitted and made Current in Bills of Credit

To the Right Honourable the Lords Comm^{rs} of Trade and Plantations.

My Lords

In Obedience to Your Lordships Commands of 17th June 1735 requiring me to transmit an Account of what Laws were in force in this Province on 25th Day of March 1731, and what Laws have been since passed, by which any Duties or Impositions are laid on the Trade and Shipping of Great Britain; As likewise an Account of what Duties or Impositions are now payable by any Act or Acts of Assembly on the Importation and Exportation of Negroes Wines, or other kind of Liquors, or on any Goods Wares or Merchandise distinguishing Each Duty or Imposition I have sent a List thereof inclosed

I am My Lords
Your Lordships most Obedient humble Servant
Sam: Ogle.

The Justices of Ann Arundel, Baltimore, Calvert, Charles, S^{t} Marys, Prince Georges, Kent, Queen Anns, Talbot and Dorchester Counties, having, pursuant to an Order of this Board, made a Return of the State of the Records of their several County Courts; and the said Returns being read; It is Ordered that the several Returns be laid before the General Assembly now sitting; and also Ordered that the Clerk of this Board write to the Justices of Cecil and Somerset Counties requiring them to send their Return with all Convenient Speed; And it is likewise Ordered that the Return made by

the Justices of Calvert County be sent back to them, that they may certify to this Board whether the Entries made in the several Books mentioned by the said Return appear by the Examination of them to be all that ought to be entered therein. Lib. M.

At a Council held at the City of Annapolis on Monday the 29th of March in the Twenty first Year of his Lordship's Dominion Annoq Domini 1736.

Present

His Excellency Samuel Ogle Esqr Governor

The honourable { John Hall Esqr, Col M. T. Ward, George Plater Esqr } { Michael Howard Esqr, Edmund Jenings Esqr, Col Charles Hammond }

His Excellency communicates to this Board several Papers whereby it appears that notwithstanding the repeated amicable and reasonable Proposals made by His Excellency to the Government of Pensilvania for preventing any Disturbances on the Borders of the Two Provinces; And notwithstanding the Notice his Most Sacred Majesty has been pleased to take, and the Cognizance the high Court of Chancery of England now has of the Dispute between the Proprietaries relating to the Bounds; yet several violent Attacks have been made on Our Borders, and some of the Inhabitants of this Province imprisoned.

Which Papers being read and considered of It is the humble Advice of this Board to his Excellency, that he would be pleased to lay the same before the General Assembly now sitting.

At a Council held at the City of Annapolis on Wednesday the seventh Day of April in the Twenty first Year of his Lordps Dominion Annoq Domini 1736.

Present

His Excellency Samuel Ogle Esqr Governor

The honourable { John Hall Esqr, Philip Lee Esqr, George Plater Esqr } { Michael Howard Esqr, Edmund Jenings Esqr, Col Charles Hammond }

Ordered that the Clerk of this Board write the following Letter to Charles Pye Esqr of Prince Georges County

Sir

I am ordered by the Governor and Council to acquaint you that upon a Complaint made to the Board by George Williams

Lib. M. an Indian; It is recommended to you to let him the said Indian and his Family live quietly upon the Land where they are now settled, lest a further Inconvenience may happen which should oblige the Board upon another Complaint made by the said Indian to take some other Notice thereof

J Ross Cł Con.

Maryland ss[t]

By His Excellency Samuel Ogle Esq[r] Governor and Commander in Chief in & over the Province of Maryland

A Proclamation

Whereas on the Eleventh of November last several unknown Persons feloniously broke and entered into the Dwelling house of John Cook of Ann Arundel County Planter and assaulted and inhumanely beat wounded and evilly treated the said Cook and his Wife to the great Danger of their Lives and feloniously stole and carryed away a considerable Sum of Money and several Goods and Chattels which belonged to the said John Cook out of his Dwelling house, I have thought fit by this my Proclamation (with the Advice of his Lordships Council of State) in Order to detect the Authors of the said Villainy to promise and declare that if any of the Persons concerned in the said fact shall discover his or her Accomplices shall upon such Discovery and Conviction of the Offenders have his Lordships Pardon for the said Offence Given at Annapolis this Seventh Day of April in the Twenty first Year of his Lordships Dominion Annoq Domini 1736.

Ordered that the Clerk of this Board draw an Order on Col Sam[l] Young Treasurer of the Western Shoar payable out of the Duty arising from the three pence ꝑ hogshead for Arms for One Pound thirteen shillings to M[r] Onorio Razolini being so much laid out by him in sending several Chests of Arms and Barrels of Gunpowder from hence to Baltimore County for the Use of the said County, and it is likewise Ordered that an Order be drawn payable to the said Onorio Razolini by the said Col Samuel Young for Sixty pounds Sterl out of the Duty af[d] for 18 months Salary due to the said Razolini as Master Gunner & Armourer ending the fourth Day of June last

At a Council held at the City of Annapolis on Wednesday the sixth Day of May in the Twenty second year of his Lordships Dominion Annoq Domini 1736.

Present Lib. M.

His Excellency Samuel Ogle Esq^{r} Governor

The honourable { John Rousby Esq^{r}, Benj. Tasker Esq^{r}, Mich^{l} Howard Esq^{r} } { George Plater Esq^{r}, Edmund Jenings Esq^{r}, Col^{o} Cha Hammond }

To His Excellency Samuel Ogle Esq^{r} Governor of the Province of Maryland and the honourable the Council of the said Province

The Remonstrance of Charles Pye of Prince Georges County

Sheweth

That the said Charles Pye is possessed of a Tract of Land lying in Prince Georges County called Mattawoman Neck originally laid out for five thousand Acres and granted to Thomas Cornwallis in the Year 1654; That the Right Honourable the Lord Proprietary afterwards made a Reserve for several Indian Nations, within the Reputed Bounds whereof the Land belonging to the said Charles Pye is contained; That the Grant of Mattawoman Neck being prior to the Reserve made for the Indians, he humbly hopes such Reserve can in no wise affect him, but that he may enjoy peaceably the Possession of the said Land without Interruption of the Indians or any Other Persons as the rest of his Lordships Tenants within the said Province do.

That a Certain Indian named George is set down upon a Part of the said Land called Mattawoman Neck under Colour of the af^{d} Reserve, and even within the Enclosure made by the said Charles Pye, that the said Indian not only disturbs him in his Possession, but marks his Hogs, kills and destroys his Game within the said Enclosure, and encourages People who live on the Other side of Mattawoman Creek to bring over their Hogs and Cattle to feed upon the Land belonging to the said Charles Pye, and feeds and looks after the said Stock in the Winter for which he is paid, as also for Tobacco Plants which he sows and sells to them.

That the said Charles Pye having received a Letter from this honourable Board relating to the said Indians residing upon his Land and being willing to shew the utmost Deference and Respect to His Excellency and the Board, He is desirous to set forth his Reasons for any Proceedings of his, and he therefore humbly hopes they will be esteemed a Sufficient Cause for the said Indians Removal, he the said Pye having an undoubted Property in the said Lands, which are no ways subject to any Reserve made after the said Grant, and as there have been Grants of very large Quantities of Land within the said

Lib. M. Reserve for habitations for the said Indians made to several Tenants of this Province since the Date of the said Reserve

It is humbly presumed that there they should settle and reside, for that it can't be construed to be in the least within the Intent of the said Reserve to extend to those prior and ancient Grants, since there was more than sufficient in the said Reserve for the Use of the said Indians, even at that Time, when they were very numerous, not then taken up nor Granted to any One.

Which said Remonstrance being read and considered of, and the Records of the Land Office relating to the Grant of Mattawoman Neck and the Reserve made for the Indians being inspected to; It is the Opinion of this Board that M^r^ Pyes Right to the said Land is prior to the Reserve made for the Indians; the said Charles Pye is therefore left to his Remedy at Law against the said Indian.

Maryland

To the Honourable Samuel Ogle Esq^r^ Governor of the said Province

The humble Petition of the Subscribers being the Inhabitants of the County of Dorchester

Most humbly Sheweth unto Your Excellency

That whereas Edmund Jenings Esq^r^ Secretary of the Province did take several Judgment Bonds for fees of your Petitioners, and sent the said Bonds to Peter Taylor high Sheriff of the said County in Order to collect the same, whereupon the said Taylor put the said Bonds in suit & recovered Judgments thereon before he sent his Officers to receive the same, notwithstanding your Petitioners had the said Tobacco to pay unto the said Taylor for the Use of the said Jenings according to the form and Effect of the said Bonds by which indirect and unjust Actings and subtil Proceedings of the said Taylor and his under Sheriffs in not receiving the said Tobacco when tendered unto them, nor sending to see if they would pay the same, and also executing some Persons which Edmund Jenings had no Judgments against them, and imprisoned some Persons that the said Taylor had no right to imprison, but forasmuch as your Petitioners had no Notice at the last hearing before your Excellency and Council living at a great Distance from John Brannock, We therefore humbly pray that we may be heard before Your Excellency and honourable Council and be relieved from such hardships as are imposed upon Your Petitioners by them who take upon them to break thro' his Lordships Good Rules of Government; This Complaint is

humbly submitted to your Excellency and honourable Council hoping that such Measures will be taken for the Good and Welfare of your Petitioners that this will be the last Petition of this Nature as Your Petitioners do most humbly pray Lib. M.

James Staton Francis Watson, Edward Alford Jacob Pattison.

Ordered that Peter Taylor have a Copy of the said Petition, and that he be ordered to attend at the Provincial Court to be held in October next.

26th August 1736

Ordered by His Excellency the Governor that the General Assembly which stands prorogued to the third Tuesday in September next, be further prorogued to the third Tuesday in December next and Proclamations issued accordingly.

At a Council held in the Council Chamber on Thursday the 21st Day of October in the Twenty second year of his Lordships Dominion Annoq Domini 1736.

Present

His Excellency Samuel Olge Esqr Governor

The honourable	Col Richd Tilghman	George Plater Esqr
	Benj. Tasker Esqr	Edmund Jenings Esqr
	Michael Howard Esqr	Col Charles Hammond

Whereas it appears to this Board by the Depositions of several Witnesses, when part of the Militia of Baltimore County were assembled at Spencers Old Field in the said County by Order of the Government in Order to assist the high Sheriff of the said County in the due and legal Execution and Discharge of his Office, Charles Worthington of the said County Gent being summoned to attend the said Service appeared at the said Place, and not only obstinately and contemptuously refused to aid and assist the said Sheriff after repeated Admonitions so to do, but also endeavoured all he could to excite all Others then present being a Great Number of the Inhabitants of the said County who were also summoned and attended on the same Occasion, to the like contemptuous Disobedience calling them Fools, and other opprobrious Names if they obeyed the said Sheriff or any Other, and declaring his own Resolution to disobey the said Sheriff, if it cost him the said Charles all he was worth, in manifest Contempt of the Laws and Government of this Province, and to the evil Example of Others; Upon Consideration of which

Lib. M. Misbehaviour It is ordered by this Board that the Attorney General prosecute the said Charles Worthington according to Law

The following Papers were laid before this Board by his Excellency

Baltimore County

Miles Foy of Baltimore County Wool comber aged about Sixty two years being sworn on the holy Evangelists of Almighty God, deposeth and saith, that about a fortnight ago he this Deponent being imployed in his Trade of a Wool comber by a Certain Elisha Gatchell One of the Justices of the Peace in and for Chester County in the Province of Pensilvania, the said Elisha Gatchell begun a Discourse or Conversation about the seating of some Lands under the Authority of the Lord Proprietary of Maryland, which the said Gatchell pretended were not within the fortieth Degree of Northern Latitude, and the said Gatchell not only used many reflecting Expressions and Words against the Lord Baltimore, but particularly affirmed and declared that the Lord Baltimore before the forty Days were expired after the Parliament, was runaway or gone over to France to prevent his Body or his Estate being sequestred And that he the said Gatchell had such Account from M^{r} Penn One of the Proprietors now in the Province of Pensilvania, who (as the said Gatchell affirmed) had received a Letter to that Purpose from England.

Sworn before me the Subscriber One of his Lordships Justices of the Peace for Baltimore County this 7th Day of October Anno Dom. 1736

Nat: Rigbie

Maryland ss

Elizabeth Low of Baltimore County Wife of John Low aged about thirty Eight years deposeth and saith, that she and her husband have lived about five years at Conojoholah under the Governm^{t} of Maryland, that they have constantly paid the forty ℔ Poll to the Minister of their Parish, and all the other Taxes paid by the Inhabitants of Baltimore County that of late they have been much terrified by the Pensilvanians, who have often threatened to take them and carry them to Prison unless they would turn Tenants to the Proprietors of Pensilvania; And this Deponent further deposeth & saith that they live in continual fear of some Mischief being done them, for no other Reason but that they refuse to hearken to the Proposals that the Pensilvanians are daily making them And this Deponent likewise saith that on or about the thirteenth of this Instant October she heard that many men in Arms were in the Woods

about a Mile from the house of this Deponᵗ that Two of them Lib. M.
came into this Depᵗˢ house, and that One of them whose name is Dunbarr, endeavoured to perswade this Deponents husband to turn Tenant to Pensilvania saying, that Esquire Penn was as able and full as willing to stand by them, as the Lord Baltimore ever had been or would be, and upon this Deponents husbands Refusal, he the said Dunbarr asked him if he would sell the Land he held by Patent, under the Lord Baltimore which as this Deponent hath often heard is the Way, that the Pensilvanians propose to get Possession of the Lands in those Parts now held by the Lord Baltimore in Case they cant drive the Possessors of the said Land off by force

Elizabeth Low

Sworn the 20ᵗʰ of October 1736 before

B: Young.

By the honourable the President and Council of the Province of Pensilvania

A Proclamation

Whereas we have received certain Information, that a Body of near three hundred Men in Arms, in a warlike manner entered the County of Lancaster in this Province, and on Sunday the fifth Instant, with beat of Drum, and Sound of Trumpet, advanced to the Plantation late of John Hendricks on the West Side of Susquehannah, lying several Miles more Northerly than the City of Philadelphia, with Intent, as 'tis said, to oust by Force several of his Majestys Subjects Inhabitants of that County, of their Possessions, and to awe and terrify Others into an Acknowledgmᵗ of the Dominion and Jurisdiction of the Lord Proprietor of Maryland, over those Parts of the Country, lying upwards of Twenty Miles to the Northward of the East and West Line, which, by a solemn Agreement entered into by the honourable the Propietaries of Pensilvania and the said Lord Proprietor of Maryland, now subsisting, and under the Cognizance of his Majestys high Court of Chancery, was fixed and established as the Boundary of their respective Provinces: Which military Preparation and Invasion hath by the Conduct and Resolution of Our Inhabitants on this Occasion, been happily frustrated, And whereas these extraordinary Proceedings, in spreading Uneasiness and Terror amonst the Inhabitants, and thereby hindering them from the Pursuit of their lawful Business and Occupations, are not only altogether unjustifiable between the Subjects of the same Gracious Sovereign, whose diffusive Goodness and Care for their Welfare & Security equally extend to all, but must undoubtedly be construed a Levying of War against his Subjects of this Province,

Lib. M. in direct Violation of his Peace within the same, as well as in manifest Contempt of that high Authority, where the Dispute between the Proprietors of Pensilvania & Maryland touching their Boundaries, does now depend for a final Decision ; and may in their Consequences involve his Majestys Subjects in Contests, whereby their Lives may be exposed to Danger and their Estates to Depredations: We have therefore thought fit, for the better Prevention and Suppression of such Riots and Disorders, and for preserving his Majestys Peace within this Province to issue this Our Proclamation, hereby strictly requiring all Judges, Justices, Magistrates and other Officers within the same to be vigilant and active in their several Stations, for maintaining Peace and good Order within their respective Districts, strictly charging and commanding the high Sheriffs of the several Counties within this Province, with their inferior Officers, especially those of the County of Lancaster where these late Commotions have happened, as also those of the County of Chester, to hold themselves in a Readiness (upon any threatened Attack or Invasion) with the Posse of their respective Counties, for preserving his Majestys Peace, and for preventing all Riots Tumults and other Disorders within their Bailiwicks; that they use their utmost Diligence in apprehending and securing all such Persons as have been the Incendiaries in, or the Authors and Abettors of these late Disturbances, or shall hereafter be aiding and assisting in any Others for the future; and in General that the said Sheriffs exert the legal Powers wherewith they are invested for the Defence and Protection of the Inhabitants, who are hereby required on the Call of the respective Sheriffs to give due Attendance, and assist them in the lawful Discharge of their Duty in the Premises.

Given in Council under the Great Seal of this Province at Philadelphia the seventeenth Day of September 1736 in the Tenth Year of the Reign of Our Sovereign Lord George the second, over Great Britain France and Ireland King Defender of the Faith &c

By Order of the President and Council J. Logan Presid
R Charles Sec^{r}

God save the King

For M^{r} Thomas White at the head of Bush River in Baltimore County or M^{r} Richard Gist to be sent to the Governor of Maryland with Speed These

Lancaster County in Pensilvania

Sir

The Oppression and ill Usage We have met with from the Government of Maryland, or at least from such Persons who

have been empowered thereby and their Proceedings connived at, has been a Treatment (as We are well informed) very different from that which the Tenants of your Government have generally met with, which with many other cogent Reasons, give Us good Cause to conclude the Governor and Magistrates of that Province do not themselves believe Us to be settled within the real Bounds of his Lordships Dominions, but we have been seduced & made Use of, first by fair Promises, and afterwards by Threats and Punishments to answer Purposes which are at present unjustifiable, and will if pursued tend to Utter Ruin Lib. M.

We therefore the Subscribers with many Others Our Neighbours being become at last truly sensible of the Wrong we have done the Proprietors of Pensilvania in settling on their Lands without paying Obedience to their Government do resolve to return to Our Duty and live under the Laws and Government of Pensilvania, in which Province We believe Our selves seated

To this We unanimously resolve to adhere 'till the Contrary shall be determined by a legal Decision of the Disputed Bounds, and Our honest and just Intention we desire may be communicated to the Governor of Maryland or whom else it may concern.

Signed with Our Own hands this Eleventh day of August Anno Dom. 1736.

Michael Tanner Jacob Welshoffer Charles Jones Nicholas Baun
Henry Lib Hart Henry Hendricks Jacob Lawnius
Martin Schultz. Christian Crowler Francis Worley junr
Tobias Fray Balthar Shambargier Jacob Seglaer his x mark
Martin Fray George Scobell Nicholas Birij Jacob Grable
Jacob Seglaer Philip Sanglaer Henry Stantz
Caspar Sanglaer Tobias Bright & al

His Excellency having communicated to this Board the aforegoing most extraordinary and illegal Association and Resolution, signed by several Persons who had at first been settled in Baltimore County and for some years past held their Lands under the Authority of this Governmt and paid their Taxes, of their being unanimous to withdraw their Obedience from this Governmt and to transferr it to that of Pensilvania, which unwarrantable Proceedings and Behaviour of such Persons, this Board having taken into Consideration, and having good Reasons to be assured of such Persons being instigated and countenanced therein by some who pretend to be Magistrates and Residents of Pensilvania, are of Opinion tend to the Greatest Confusion, and may have the most mischievous Con-

Lib. M. sequences, not only to the Peace of this Province, but also in the Example which may be thereby given to any other of his Majestys Subjects daring to refuse Subjection to the Government in which they live and reside

And his Excellency having also informed this Board of the Commands he was pleased so prudently to give to the Sheriff and to several of the Officers and Militia of Baltimore County to assist the said Sheriff in the Execution of his Duty in discouraging such unjustifiable Attempts and enforce the Submission of those disorderly Persons, as well by apprehending their Bodies, as by levying the Taxes due from them to this Government, which wise Caution not having as yet had the desired Effect, by Reason that many of the Inhabitants under the Government of Pensilvania in a most tumultuous Manner came over into Baltimore County and avowedly received and kept under their Protection those Persons who had so boldly offended against the Peace of this Government, and the Good Rule and Order of all Civil Societies

And as it appears to this Board by a Proclamation issued by the President and Council of Pensilvania that the Government of that Province not only avows and countenances those outrageous and unwarrantable Attempts, but even has thought fit to order and encourage the apprehending any of the Inhabitants of this Province who acted the Part of dutiful Subjects to his Majesty, and faithful Tenants to his Lordship in their Endeavours to suppress those insolent Disturbers of Peace and Government

And this Board having received Proof upon Oath that not only his Lordships Character has been most vilely and scandalously traduced, but also the Great Authority of his Majestys high Court of Chancery, and even the most sacred Name of Majesty it self have been in a most impudent and presumptuous Manner made Use of to give a Sanction to their Expectations of seducing the Inhabitants of this Province from their Submission to this Government.

Therefore it is advised resolved and ordered that a Proclamation or Proclamations issue for the apprehending all who have acted countenanced or abetted the Actors in any of the Matters af^{d} And that a Reward of One hundred Pounds be offered for apprehending Each of the following Persons Viz. Samuel Smith Edward Smoute Samuel Blunstone and John Wright; And a Reward of Twenty Pounds for apprehending Each of the following Persons Viz. Michael Tanner Christian Crowle Mark Evans Charles Jones and Joshua Minshul; And a Reward of Ten Pounds for apprehending Each of the following Persons Viz. Jacob Grable Jacob Seglaer Conrade Lowe Christian Lowe Jacob Seglaer jun^{r} Michael Arringall Philip

Saglaer, Dennis Myer, Hans Stanner Tobias Spright, Tobias Hendricks Leonard Immel Balthar Sanger Michael Wallack, Michael Evat°, Michael Miller, Jasper Carvell, George Swope George Philere Nicholas Butchiere Andrew Phlaviere Henry Stantz Henry Lephart Peter Gardiner Jacob Lawnius Nicholas Conn Conrade Stricklaer Henry Bowen Francis Worley jun^{r} Martin Sluys Jacob Hoopinder Michael Raisher Tobias Fray Martin Fray Henry Smith Jacob Welshoffer Henry Hendricks Adam Byar Godfrey Fray Methusalem Griffith Bartholomew Shambarrier Nicholas Hatchley Yorrick Cobell Henry Young Michael Waltz Kelyon Smith Caspar Varglass Martin Wyngall Nicholas Peery Bryonex Tander and Eurick Myer Lib. M.

And It is further ordered that Warrants issue from this Board for the apprehending any of such Persons as af^{d} which Warrants shall be directed to such Person or Persons as his Excellency shall think proper for that Purpose; And It is the humble Advice of this Board to his Excellency that all proper and suitable Encouragements should be given to any Person who will bring any of the af^{d} bold Offenders to Iustice

Which Proclamation and Warrants being read & approved of are, as follow

By His Excellency Samuel Ogle Esq^{r} Governor and Commander in Chief in and over the Province of Maryland.

A Proclamation

Whereas notwithstanding all the friendly Overtures and Proposals made by this Government for preserving the Peace and Quietness of the Inhabitants on the Borders of this Province and the Province of Pensilvania several ill minded Persons have endeavoured by many false and scandalous Insinuations to withdraw and seduce the unwary and Credulous from that Subjection and Obedience which they owe to the Government of the Lord Proprietary of this Province under the supreme Dominion of his Majesty, not only for the Protection & security which they enjoyed but also for the great Indulgencies and Other favours shewed them; And for the better effecting their pernicious Purposes aforesaid, the Authority of the honourable the high Court of Chancery of Great Britain, and Even the sacred Name of his most Gracious Majesty have been in a daring presumptuous and unjustifiable Manner used and pretended, All which Methods and Practices not only awed and influenced several Persons into a most unwarrantable Combination and Resolution to transfer their Obedience from this Government to the Government of Pensilvania, but also further tended so greatly to Confusion amongst his Majestys

Lib. M. Subjects to a Contempt and Disrespect of the Authority of the honourable high Court of Chancery of Great Britain, and more especially to an Abuse of that August Name of Majesty, that it became a Duty highly incumbent on the Government of this Province to pursue all legal Methods for the discouraging the like for the future, and bringing to condign Punishm[t] every such bold and insolent Offender; And for these purposes so necessary for the Preservation of Peace and Order, the high Sheriff of Baltimore County was authorized and impowered according to Law to arrest the Bodies of Every such turbulent Transgressor of the Laws of this Province and to exact the Payment of the Dues and Taxes which those who had in so extraordinary manner presumed to disown the Authority and Protection of this Government were obliged by the Laws thereof to pay to the same: But as it was with much Probability apprehended (as it happen'd) that those who had once dared either to Enter into or promote by the aforementioned Means such seditious and illegal Confederacies and Associations might by the same dangerous Principles be prevailed upon to resist with force that lawful Authority of this Government which was so intended to be executed over them, It was thought absolutely necessary to support the said Sheriff in the Execution of his Duty with such Assistance as might be sufficient to repell any Resistance or Violence that should be opposed or offered against such Sheriff, which prudent and justifiable Caution has been so much mistaken as to be interpreted a Levying of War against his Majestys Subjects of the Province of Pensilvania, upon this weak Pretence that those Parts of Baltimore County where the said Sheriff went to discharge his Duty aforesaid lye upwards of twenty Miles to the Northward of an East and West Line which was, by a solemn Agreement entered into by the Lord Proprietary of Maryland and the Proprietaries of Pensilvania, now subsisting and under the Cognizance of his Majestys high Court of Chancery, fixed and established as the Boundary of their respective Provinces; Whereas It is a truth too well known to be denyed or the contrary to be believed, that this solemn Agreement can never have any Effect to fix and establish the Boundaries of the Provinces, unless the Proprietaries of Pensilvania should be able by the Justice of their Case to obtain a Decree in his Majestys high Court of Chancery for that Purpose in their favour, in which Court that Cause is still depending and under the Cognizance thereof, so that before the Point whether the Lord Proprietary shall be obliged in Conscience and Equity to perform that Agreement, be determined in his Majesty's high Court of Chancery, no justifiable Claim can be asserted by Virtue of any of the Boundaries expressed

in that Agreement, nor would the Proprietaries of Pensilvania Lib. M.
have been put under the Necessity of applying to obtain (if they can) the Aid and Assistance of the high Court of Chancery to strengthen and enforce the Execution of that Agreement, if that Agreement had still subsisted and continued good and effectual in Law; Notwithstanding all which plain and well known Truths several weak minded Persons have been so far infatuated as in a tumultuous and riotous Manner to meet & assemble together in Baltimore County aforesaid with some bold and insolent Disturbers of the Peace of this Province in Order to oppose and resist the Officers of Justice in the Execution of their Duty, and to screen the aforesaid illegal Confederates and their Abettors from the Justice and Laws of this Province; As such daring and dangerous Attempts and Practices affect in a very particular manner the Peace and Happiness of all his Majestys Subjects in this Province and may if not timely discouraged and prevented be attended with the most fatal Consequences; We have thought fit by this Our Proclamation as well to assure every Inhabitant of this Province, who behaves himself in a peaceable manner subject to the Laws of this Province of the utmost Protection and Countenance of this Government, as to endeavour the apprehending and bringing to condign Punishment any of the Actors in or Promoters of the illegal Combinations and tumultuous meetings aforesaid; And for those Purposes We hereby strictly require all Iudges Justices Magistrates and other Officers within this Province to be vigilant and active in their several Stations for maintaining Peace and Good Order within their respective Counties strictly charging and commanding the high Sheriffs of the several Counties within this Province especially the high Sheriffs of the Counties of Baltimore and Cecil to hold themselves in Readiness with the People of their respective Counties to suppress all illegal Commotions and Disturbances and disperse all tumultuous and riotous Assemblys and Meetings either by apprehending and securing all such Persons as have been the Incendiaries Abettors Authors or Parties in any of the aforemencon'd Practices or tumultuous Meetings or shall hereafter be a Promoter or Promoters aiding or assisting in any other Disturbances for the future; And in General that the said Sheriffs exert the legal Powers wherewith they are invested for the Defence and Protection of the Inhabitants who are hereby required on the Call of the respective Sheriffs to give due Attendance and assist them in the lawful Discharge of their Duty in the Premises And for the more effectually securing the Peace of this Province by bringing to a just and legal Punishment such Persons who at present are known to have been either Promoters Aid-

Lib. M. ers Actors or Parties in the afore mentioned illegal Combinations Disturbances or tumultuous Meetings We hereby promise and declare the following Encouragements and Rewards to any Person or Persons whatsoever who shall apprehend and secure the hereafter mentioned Persons or any of them in such Manner as they may be brought to Justice Viz. for Samuel Smith Edward Smoute Samuel Blunstone and John Wright them and Every of them the Sum of One hundred Pounds Each; For Michael Tanner Christian Crowle Mark Evans Charles Jones & Joshua Minshul them and Every of them the sum of Twenty Pounds Each, and for Jacob Grabbill Jacob Seglaer Conrade Lowe Christian Lowe Jacob Seglaer jun^{r} Michael Aringall Philip Seglaer Dennis Myer Hance Stanner Tobias Spright Tobias Henricks Leonard Immel Balchar Sangar Michael Wallack Michael Evat Michael Miller Jasper Carvell George Swope George Philier Nicholas Butchiere Andrew Phlaviere Henry Stantz Henry Lephart Peter Gartner Jacob Lawnious Nicholas Conn Conrade Stricklaer Henry Bowen Francis Worley jun^{r} Martin Sluys Jacob Hoopinder Michael Raishiere Tobias Fry Martin Fry Henry Smith Jacob Welshoffer Henry Henricks Adam Byard Godfrey Fry Methusalem Griffith Bartholomew Shambarriere Nicholas Hatchley Yorrick Cobell Henry Young Michael Waltz Kelyon Smith Caspar Varglass Martin Wyngall Nicholas Peery Bryonex Tandre and Eurick Myer them and Every of them the sum of Ten Pounds Each Given at the City of Annapolis this Twenty first Day of October in the Twenty second year of his Lordships Dominion Annoq Domini 1736

Maryland ss.

Whereas I Samuel Ogle Governor of the Province of Maryland and We the Subscribers Members of his Lordships honourable Council of State in Council met have been credibly informed that Mark Evans and Charles Jones have not only by many illegal Practices and scandalous Insinuations contrived promoted and incited Discontents and sedition amongst the Good People of this Province, but have in Breach of the Peace thereof openly abetted and avowedly protected from the Justice of the Laws of this Government divers and sundry Persons who were guilty of Breaches of the Peace & seditious Practices against the good Rule and Order of this Government and against whom Warrants and a Proclamation were issued for their Apprehension and bringing them to Justice

These are therefore to will and require You in his Lordships Name that you immediately on the Sight or Receipt hereof attack arrest and apprehend the Body or Bodies of Mark Evans and Charles Jones and to bring them forthwith

before us to answer unto such of the Matters aforementioned as on his Lordships behalf shall be objected against them Given &c. Lib.M.

Maryland ss.

These are in his Lordships Name to require you by me Samuel Ogle Governor of the Province of Maryland and us the Subscribers Members of his Lordships honourable Council of State in Council met to seize take and apprehend into Your Custody Jacob Grabbill Jacob Seglaer Conrade Lowe Christian Lowe Jacob Seglaer jun^{r} Michael Aringall Philip Seglaer Dennis Myer Hans Stanner Tobias Spright Tobias Henricks Leonard Immel, Balthar Sanger Michael Wallack Michael Evat Michael Miller Jasper Carvel George Swope George Philiere Nicholas Butchiere Andrew Phlaviere Henry Stantz Henry Lephart Peter Gardiner Jacob Lawnious Nicholas Conn Conrade Stricklaer Henry Bowen Francis Worley jun^{r} Martin Sluys Jacob Hoopinder Michael Raishiere Tobias Fry Martin Fry Henry Smith Jacob Welshoffer Henry Henricks Adam Byard Godfrey Fry Methusalem Griffith, Bartholomew Shambarriere Nicholas Hatchley Yorrick Cobell Henry Young Michael Waltz Kelyon Smith Caspar Vaerglass Martin Wyngall Nicholas Peery Bryonex Taender Eurick Myer for contriving signing and publishing a seditious Paper and Writing against his Lordship and this Government, and to bring them forthwith before Us to answer unto such of the aforesaid Matters as shall be objected on his Lordships behalf against them Given under Our hands and seals at the Council Chamber &c.

Whereas it is represented to this Board by M^{r} Charles Goldsborough Clerk of Dorchester County that the Justices of the said County have heretofore allowed the said Charles Two thousand Pounds of Tobacco for laying the County Levy which they last Year refused to do, and whereas the said Justices have also refused hitherto to allow the said Charles for issuing Warrants to the Overseers of the Roads and for entering the said Roads and the Appointment of the said Overseers It is therefore by this Board recommended to the Justices of the said County of Dorchester, that they make him the said Charles Goldsborough such Allowance for laying the County Levy as that Court has usually done, and it is also recommended to the said Justices that for the other Services abovementioned they make him an Allowance according to the Regulation of Officers fees made by the Right honourable the Lord Proprietary in Council 14th of April Anno Domini 1733.

Lib. M. At a Council held in the Council Chamber on Friday the 22[d] Day of October in the Twenty second Year of his Ldps Dominion Annoq Domini 1736.

Present

His Excellency Samuel Ogle Esq[r] Governor

The honourable { Benjamin Tasker Esq[r], Philip Lee Esq[r], Michael Howard Esq[r] } George Plater Esq[r], Col Charles Hammond

The Petition of Edward Taylor and Jacob Pattison of Dorchester County preferred to this Board in May last against Peter Taylor Sheriff of the said County being read; and upon hearing and considering the Evidences in support of the same; It is the Opinion of this Board that the facts contained in the said Petition are not proved; and It is therefore ordered that the said Petition be rejected

At a Council held in the Council Chamber on Saturday the 23[rd] Day of October in the twenty second Year of his Lordships Dominion Annoq Domini 1736.

Present

His Excellency Samuel Ogle Esq[r] Governor

The honourable { Col Richard Tilghman, Benjamin Tasker Esq[r], Philip Lee Esq[r], Michael Howard Esq[r] } George Plater Esq[r], Edmund Jenings Esq[r], Col Charles Hammond

His Excellency having communicated to this Board the Reports made to him by the Judges of Assize of the Eastern and Western Shoars, of the Malefactors condemned by them at their several Circuits in September last, and the Crimes of which they were convict; & It appearing to this Board by the said Reports, that the Persons so condemned, are not Objects of Mercy, but notorious Offenders,

It is therefore the humble Advice of this Board to his Excellency, that he would be pleased to issue his Warrants for the Execution of the said Offenders,

Several Sheriffs Bonds, being brought by the Clerk of the Provincial Court to this Board for Approbation of their Securities, and being examined, are all approved of and found agreeable to the Words in the Act of Assembly, excepting the Bonds taken for the Sheriffs of Somerset and Kent Counties; It is therefore ordered that the Clerk of this Board write to the Justices of the said Counties of Somerset and Kent acquainting them of their Mistake in taking the Bonds of

their Sheriffs for the last year; and recommending to them Lib. M.
that for the future they take the said Bonds agreeable to the Words prescribed by the Act of Assembly

At a Council held in the Council Chamber on Saturday the 23rd Day of October in the Twenty second year of his Lordships Dominion Annoq Domini 1736.

Present as in the Morning

His Excellency having laid before this Board several Proceedings relating to the Appointment of the Publick Treasurer of this Province; And this Board having duely considered them and Everything they could find relating thereto; It is the Opinion of this Board that the Right of nominating such an Officer is originally in his Lordship by Virtue of his Charter, and not given away by any Act or Acts of Assembly or otherwise

It its therefore the Advice of this Board to his Excellency that he be pleased to issue a Commission appointing a Treasurer of the Western Shoar of this Province in the Room of Samuel Young Esqr deceased

2d December 1736

Ordered by his Excellency the Governor that the present General Assembly which stands prorogued to the third Tuesday of this Instant December be further prorogued to the fourth Tuesday in April next and Proclamations issued accordingly.

Maryland ss

By His Excellency Samuel Ogle Esqr Governor and Commander in Chief in and over the Province of Maryland

A Proclamation

Whereas His most sacred Majesty in Council bearing Date at St James's the twenty ninth Day of April Anno Domini 1736 hath ordered that in the Morning and Evening Prayers in the Litany, and in all Other Parts of the Publick Service as well in the Occasional Offices as in the Book of Common Prayer, where the Royal Family is appointed to be particularly prayed for the following Form and Order should be observed Viz. For His most sacred Majesty King George Our Gracious Queen Caroline, Their Royal Highnesses Frederick Prince of Wales, the Princess of Wales, the Duke, the Princesses and all the Royal Family: In pursuance of which Order I do publish

Lib.M. this my Proclamation notifying the same to all his Majestys Good Subjects, that in the several Parish Churches and Other Places of Divine Worship within this Province, in all the Prayers Litanies and Collects for the Royal Family the said Form be observed: And I Do strictly charge and command the several Sheriffs of this Province to make this my Proclamation publick in the several Parishes within their said Counties in the usual manner that the most publick Notice may be had thereof as they will answer the Contrary to their Peril.

Given at Annapolis this third Day of December in the twenty second year of his Lordships Dominion Annoq Domini 1736.

J. Ross Cł Conc.

At a Council held at the City of Annapolis on Thursday the seventeenth Day of February in the twenty second year of his Lordps Dominion Annoq Domini 1736.

Present.

His Excellency Samuel Ogle Esq^{r} Governor

The honourable { Benjamin Tasker Esq^{r}, Philip Lee Esq^{r}, George Plater Esq^{r} } Edmund Jenings Esq^{r} Coł Charles Hammond

James Hollyday Esq^{r} nominated by his Excellency the Governor a Member of this Board on the 15th Day of July Anno Domini 1735, but having been in Europe since such Nomination, attends now in Order to be qualified

Whereupon the said James Hollyday Esq^{r} takes the several Oaths to the Governm^{t} appointed to be taken by Act of Assembly, and likewise the Oath of a Councillor, and subscribes the Oath of Abjuration, and Test and takes his Place at the Board accordingly

At a Council held at the City of Annapolis on Friday the Eighteenth Day of February in the twenty second year of his Lordships Dominion Annoq Domini 1736.

Present as Yesterday

This Board having taken into Consideration the repeated Riots & Disturbances committed upon the Inhabitants of this Province in Baltimore County dwelling near the Borders thereof by several Persons Inhabitants of Pensilvania; and also the late Letters signed by several Germans Inhabitants in the said Baltimore County declaring their Intention to withdraw their Obedience from this Government to that of Pensilvania;

and considering likewise several Depositions and Examina- Lib. M.
tions whereby it appears that divers Magistrates of Pensilvania encouraged the said Germans to sign the Letters af[d]; as well as several Examinations and Depositions relating to the Burning the Dwellinghouse of Captain Thomas Cresap in Baltimore County by the Pensilvanians under the Countenance and Authority of the Magistrates and Officers of Justice of that Province, and confining him the said Cresap in Goal; and the steps taken by this Government in Order to bring the Offenders to Justice; It is the Opinion of this Board that an Address be presented from this Board to his Majesty, and also an Address to the Lord Proprietary setting forth the several Facts aforemencond, and that the several Papers Examinations and Depositions now laid before this Board be sent to England to his Lordship in support of the several facts contained in the said Addresses; In pursuance of which Opinion the following Addresses were laid before, approved of, and signed by his Excellency the Governor, and Benjamin Tasker Esq[r] in behalf of the Council, and ordered to be transmitted in Order to be presented to His Majesty and laid before his Lordship.

To the Kings most Excellent Majesty

The humble Petition of the Governor and Council of the Province of Maryland

May it please Your Majesty

We your Majestys Dutiful and Loyal Subjects the Governor and Council of the Province of Maryland most humbly implore Your Majestys Gracious Interposition and Royal Protection for preserving the Peace Properties and Lives of Your Majestys Subjects Inhabitants of this Province against the many Outrages and Violences not only acted by the Inhabitants but even countenanced by the Government of the Province of Pensilvania

We beg Leave to present to Your Majesty, that several Germans & Palatines some Years ago being arrived in these Parts of Your Majestys Dominion in America made their Applications and Requests to this Government for the Liberty of seating and settling with their Families on Lands within this Province, Which Desires this Government not only thought reasonable, but the People so deserving Encouragement, that several considerable Quantities of Land lying on the Borders of this Province adjoyning to the Province of Pensilvania were allotted and assigned to them for their Residence and Support under the Authority of this Government, and accordingly not less than fifty or Sixty Families of that

Lib. M. Nation immediately took Possession of these Lands, and paid their Proportion of the Taxes and demeaned themselves in every other Respect as peaceable Subjects to Your Majesty and unquestionable Inhabitants and Tenants of this Province, until very lately; When through Unwariness and too much Credulity they suffered themselves to be prevailed on to renounce openly their Submission to this Governm[t] and to declare their Resolution to transfer their Obedience to the Government of Pensilvania; And in Order to account for this their extraordinary Proceeding, they declared their Unwillingness to contribute towards the Maintenance of the Ministers of the Church of England by Law established in this Province, and to conform themselves to such Laws and Rules for the regulating the Militia, as this Province in their Legislature has thought expedient and necessary for their Safety and Defence against any foreign Enemy.

So surprizing a Behaviour endeavoured to be justified by such Pretences so greatly alarmed this Government with the dangerous Consequences which might ensue not only to this Province but to Every other of Your Majestys Dominions in America, that they thought their indispensable Duty required their utmost Care to disabuse these deluded People, and to make them sensible how much they had misbehaved themselves as Subjects to Your Majesty; For this Purpose the proper Sheriff of the County had Orders as well to demand and levy on those Inhabitants their just Proportion of the legal Taxes due to this Province, as to apprehend and secure so many of them as he could find, in Order that they might be forthcoming to answer in due Course of Law for their Misdemeanor in attempting to disturb the Peace of this Province by their avowed Disobedience to the Laws thereof: And as this Government might reasonably conclude these unfortunate People had been privately encouraged by some Persons daring enough to protect them against any Prosecution, therefore the said Sheriff had Directions to take to his Assistance in the Execution of his said Office some of the Militia of his County, In pursuance of which Commands the said Sheriff attended by several of the Militia repaired to that part of his County where those Inhabitants resided; there he found them shut up in an house (which an Armed Number of Inhabitants of Pensilvania had taken Possession of) and after his Demand of their being delivered to him was obstinately refused; the said Sheriff with the said Militia departed in a peaceable Manner and distrained some few of their Goods for their Proportion of Taxes

This Conduct of the Government of Maryland, We humbly hope, will appear in Your Majestys great Wisdom proper and

reasonable, but We presume to acquaint Your Majesty, that Lib. M.
the Government of Pensilvania thought fit not only to consider it in another Light, but to make Use of it for Purposes destructive of the Laws and Properties of Your Majestys Subjects; For that Government under Pretence that those Parts of the Country lay to the Northward of a Line mentioned in an Agreement now under the Cognizance of Your Majestys high Court of Chancery to determine whether It shall bind the Lord Baltimore Lord Proprietary of this Province, was pleased to issue a Proclamation under a specious Colour of preserving Peace, but really to inflame and incite the Inhabitants of their Borders (which that Government then acknowledged was filled with People of more than Ordinary Spirit) to the Commission of horrid & Cruel Violences

It is with the most sensible Concern May it please Your Majesty that We must own those Designs of the Government of Pensilvania had too soon their desired Effects, for an Armed Multitude pretending to be Inhabitants of the Province of Pensilvania headed by a Sheriff and Magistrate of that Province beset the house of One Thomas Cresap, who had always held the Land he then lived on under a Title from the Lord Proprietary of Maryland, acknowledged himself Tenant of that Province and constantly paid his Taxes and Dues to the same, and acted for some time past as a Magistrate thereof; And in further Execution of their pernicious Intentions, these outragious People set fire to the house (in which there was then the Owner his Wife Children and Six other men) and burnt the same down to the Ground with all the Effects of the said Owner to a very considerable Value; Nor was the Spirit of these Incendiaries allayed by this bold Violation of Your Majestys Laws; but when the unhappy Wretches then in the house endeavoured to save and defend themselves from the Flames, and those merciless Men, a continual firing of Guns followed, which occasioned the Death of One and wounding Others of Your Majestys Subjects who had been in the house; then the Owner with four of his Companions were seized and hurried into the Goals of the Province of Pensilvania where they now lye.

This Proceeding by Fire and Sword to establish the Bounds which are now in Dispute before the high Court of Chancery filled Your Petitioners as well as all Other of Your Majestys Subjects of these Two Provinces with such terrible Apprehensions, that an immediate Application was made from this Government to the Government of Pensilvania for their Assistance in discountenancing such Violences, and bringing the Offenders to condign Punishment; And lest they should escape a just Return for their Wickedness by any Doubt which the

Lib. M. Government of Pensilvania might pretend to entertain of the Place where they ought to be tryed, This Government requested that Governm[t] to cause the Offenders to be immediately apprehended in Order that they might be amesnable to Justice in such Place as Your Majesty should be pleased to direct; but contrary to all reasonable Expectation that Government of Pensilvania was pleased to decline any Complyance with that Demand by deferring their Apprehension 'till your Majesty's Pleasure should be signifyed herein, nor could any Remonstrance from this Government of the Probability of the Offenders Escape and eluding by that means your Majesty's Justice prevail with that Government to alter their Resolution.

We further humbly presume to lay before Your Majesty Our Unhappiness in not being able to procure from the Government of Pensilvania the Release of those unfortunate Sufferers who are still confined in Pensilvania Goals: This Desire was refused on Pretence that Thomas Cresap the Owner of the House had been guilty of a former Murder, and that the Others were present at the aforementioned Confusion where One of Your Majestys Subjects was killed; That Accusation of a former Murder against the Owner of the house, will (We humbly hope) appear very extraordinary when We presume to say, that a Man was killed by the Owner of the house, when the very same house was in the Night time attacked and broke into some Years ago by another Number of Pensilvanians, and the Owner in Defence of his House fired a Gun, and shot the Deceased in the Leg or Thigh of which Wound he dyed; for this fact the Owner of the house was brought to his Tryal in this Province; and the late Governor of Pensilvania was so sensible of this being the Truth of the Case, that he often declared the Owner of the house ought not to be accountable for that Mans Death

The Government of Maryland (May it please Your Majesty) sensible of their Duty to your Majesty for the Preservation of Peace amongst Your Majestys Subjects, some Years ago proposed to the Government of Pensilvania that both Governments should then immediately join in their humble Representation to Your Majesty for Your Royal Interposition, and in the mean time not only to remove any new Settlers on the Borders, but also to prevent any future Settlements thereon till Your Majestys Commands should be known. Had this been agreed to, Our Borders had continued in Peace and Your Majestys Subjects safe in their Lives and Properties

Our most dutiful Attachment to Your Majesty and Laws makes Us incapable of retaliating those Injuries, but obliges us to fly to Your Majestys Royal Pleasure and Will, which only consist in the Peace and Happiness of all even the most

remote of your Subjects; On your Majestys most extensive and Royal Goodness and Justice We relye, and earnestly pray your Majestys Royal Interposition and Commands for the Preservation of Peace on Our Borders and Tryal of these Violaters thereof, in a Place where the Facts were committed and where they may receive their deserved Punishment as well as for the Discharge of, and Retribution of Damages to those Unhappy Prisoners Lib. M.

Your Majestys most Gracious Condescension in hearkening to these Our Complaints must the more (if possible) inforce Our inviolable Duty in praying for the Blessings of Length & Happiness to Your Majestys Reign and an Ever Continuance of the Crown in a Succession of the illustrious House of Hannover, whose chief Good is placed only in that of Mankind, and more especially of it's Subjects, amongst the most Dutiful and Obedient of whom We humbly presume to declare Ourselves

Sam: Ogle
Benj[a] Tasker on behalf of the Council

To the Right Honourable the Lord Proprietary of the Province of Maryland

The Humble Remonstrance of the Governor and Council of the said Province

May it please your Lordship

We the Governor and Council of Your Lordships Province of Maryland beg Leave humbly to represent to Your Lordship that several Germans and Palatines some Years ago arrived in these Parts of America, made their Applications and Requests to this Government for the Liberty of seating and settling with their Families on Lands within this Province; which Desires this Gov[t] not only thought reasonable, but the People so deserving Encouragement, that several considerable Quantities of Land lying on the Borders of this Province adjoyning to the Province of Pensilvania were allotted and assigned to them for their Residence and Support under the Authority of this Government, and accordingly not less than fifty or Sixty Families of that Nation immediately took Possession of those Lands, and paid their Proportion of the Taxes, and demeaned themselves in every other Respect as peaceable Subjects to his Majesty and unquestionable Inhabitants and Tenants of this Province, until very lately; When through Unwariness and too much Credulity, they suffered themselves to be prevailed on to renounce openly their Submission to this Government, and to declare their Resolution to transfer their Obedience to the Government of Pensilvania,

Lib. M. And in Order to account for this their extraordinary Proceeding they declared their Unwillingness to contribute towards the Maintenance of the Ministers of the Church of England by Law established in this Province, and to conform themselves to such Laws and Rules for the regulating the Militia, as this Province in their Legislature has thought expedient and necessary for their safety and Defence against any foreign Enemy.

So surprizing a Behaviour endeavoured to be justified by such Pretences so greatly alarmed this Government with the dangerous Consequences which might ensue not only to this Province but to Every other Part of his Majestys Dominions in America, that they thought their indispensible Duty required their utmost Care to disabuse these deluded People and to make them sensible how much they had misbehaved themselves as Subjects to his Majesty and Tenants to Your Lordship; For this purpose the proper Sheriff of the County had Orders as well to demand and levy on those Inhabitants their just Proportion of the legal Taxes due to this Province, as to apprehend and secure so many of them as he could find, in Order that they might be forth coming to answer in due Course of Law for their Misdemeanor in attempting to disturb the Peace of this Province by their avowed Disobedience to the Laws thereof: And as this Govern^{t} might reasonably conclude these unfortunate People had been privately encouraged by some Persons daring enough to protect them against any Prosecution; therefore the said Sheriff had Directions to take to his Assistance in the Execution of his said Office some of the Militia of his County, in pursuance of which Commands the said Sheriff attended by several of the Militia repaired to that Part of his County where those Inhabitants resided; there he found them shut up in a house (which an armed Number of Inhabitants of Pensilvania had taken Possession of) and after his Demand of their being delivered to him was obstinately refused, the said Sheriff with the said Militia departed in a peaceable manner, and distrained some few of their Goods for their Proportion of Taxes

This Conduct of the Government of Maryland We humbly hope will appear to Your Ldp proper and reasonable; but We presume to acquaint Your Lordship, that the Government of Pensilvania thought fit not only to consider it in another Light, but to make Use of it for Purposes destructive of the Lives and Properties of his Majestys Subjects and Your Lordships Tenants; For that Government, under Pretence that those Parts of the Country lay to the Northward of a Line mentioned in an Agreement now under the Cognizance of his Majestys high Court of Chancery to determine whether it

shall bind Your Lordship, was pleased to issue a Proclamation Lib. M.
under a specious Colour of preserving Peace, but really to inflame and incite the Inhabitants of their Borders (which that Government then acknowledged was filled with People of more than ordinary Spirit) to the Commission of horrid and cruel Violences

It is with the most sensible Concern, may it please your Lordship, that We must own those Designs of the Government of Pensilvania had too soon their desired Effects, for an armed Multitude pretending to be Inhabitants of the Province of Pensilvania headed by a Sheriff and Magistrate of that Province beset the house of One Thomas Cresap who had always held the Land he then lived on under a Title from Your Lordship as Lord Proprietary of Maryland, acknowledged himself Tenant of this Province and constantly paid his Taxes and Dues to the same and acted for some time past as a Magistrate thereof; And in further Execution of their pernicious Intentions these outrageous People set fire to the house (in which there was then the Owner his Wife Children and Six Other men) and burnt the same down to the Ground with all the Effects of the said Owner to a very considerable Value; nor was the Spirit of these Incendiaries allayed by this bold Violation of all Laws, but when the unhappy Wretches then in the House endeavoured to save and defend themselves from the flames and those merciless Men, a continual firing of Guns followed, which occasioned the Death of One and wounding Others of his Majestys Subjects and Your Lordships Tenants who had been in the house; then the Owner with four of his Companions were seized and hurried into the Goals of the Province of Pensilvania where they now lye

This Proceeding by Fire and Sword to establish the Bounds which are now in Dispute before the high Court of Chancery filled Us with such terrible Apprehensions, that an immediate Application was made from this Government to the Government of Pensilvania for their Assistance in discountenancing such Violences and bringing the Offenders to condign Punishment, and lest they should escape a just Return for their Wickedness by any Doubt which the Government of Pensilvania might pretend to entertain of the Place where they ought to be tryed; This Government requested that Government to cause the Offenders to be immediately apprehended in Order that they might be amesnable to Justice in such Place as His Majesty should be pleased to direct; but contrary to all reasonable Expectation that Government of Pensilvania was pleased to decline any Complyance with that Demand by deferring their Apprehension till His Majestys Pleasure should be signified herein, nor could any Remonstrance from this

Lib. M. Government of the Probability of the Offenders Escape and eluding by that means his Majesty's Justice prevail with that Government to alter their Resolution.

We further humbly presume to lay before your Lordship Our Unhappiness in not being able to procure from the Government of Pensilvania the Release of those unfortunate Sufferers who are still confined in Pensilvania Goals; This Desire was refused on Pretence that Thomas Cresap the Owner of the house had been guilty of a former Murder, and that the Others were present at the aforementioned Confusion where One of his Majestys Subjects was killed; That Accusation of a former Murder against the Owner of the house will (We humbly hope) appear very extraordinary, when We presume to say, that a Man was killed by the Owner of the house when the very same house was in the night Time attacked and broke into some years ago by another Number of Pensilvanians; And the Owner in Defence of his house fired a Gun, and shot the deceased in the Leg or Thigh of which Wound he dyed; For this fact the Owner of the house was brought to his Tryal in this Province, and the late Governor of Pensilvania was so sensible of this being the Truth of the Case, that he often declared the Owner of the house ought not to be accountable for that Mans Death

The Government of Maryland sensible of their Duty to his Majesty and your Lordship for the Preservation of Peace amongst his Majestys Subjects and Your Lordships Tenants some Years ago proposed to the Government of Pensilvania; that both Governments should then immediately join in their humble Representation to his Majesty for his Royal Interposition, And in the mean time not only to remove any new Settlers on the Borders, but also to prevent any future Settlements thereon 'till his Majestys Commands should be known: Had this been agreed to, Our Borders had continued in Peace, and his Majestys Subjects and Your Lordships Tenants safe in their Lives and Properties

Our most Dutiful Attachment to His Majesty and the Laws makes us incapable of retaliating those Injuries, but obliges Us to have Recourse to Your Lordship, whose utmost Endeavours We are assured will not be wanting on behalf of your Tenants for the Preservation of Peace on Our Borders and Tryal of these Violaters thereof, in Your Lordships Province, where the facts were committed, and where they may receive their deserved Punishment as well as for the Discharge of, and Retribution of Damages to those unhappy Prisoners

Sam: Ogle
Benj. Tasker on behalf of the Council

At a Council held at the City of Annapolis on Tuesday the twenty ninth Day of March in the Twenty second year of his Lordships Dominion Annoq Domini 1737 Lib. M.

Present

His Excellency Samuel Ogle Esq^{r} Governor

The honourable. { Benjamin Tasker Esq^{r} / Edmund Jenings Esq^{r} / Col Charles Hammond

Whereas it appears to this Board by the Testimony of several Witnesses, that Samuel Smith high Sheriff of Lancaster County in Pensilvania, and Edward Smont a Justice of Peace in the said County with a great Number of other Persons armed with Guns and other Weapons assembled themselves together in a Riotous and unlawful manner at the late Dwelling house of Captain Thomas Cresap in Baltimore County sometime in November last, and being there assembled feloniously killed and murdered One Michael Malone, and burnt the Dwelling house of the said Cresap with all his Goods and Chattels being in and about the said Dwelling house: The Attorney General is hereby ordered to prosecute all the said Offenders for the said Crimes according to the utmost Rigor of Law, and It is likewise Ordered that the Sheriff of Baltimore County summon all such Witnesses as he shall be directed by the Attorney General to summon on that Occasion.

At a Council held in the Council Chamber on Thursday the twenty Eighth Day of April in the twenty third year of His Lordships Dominion Annoq Domini 1737

Present

His Excellency Samuel Ogle Esq^{r} Governor

The honourable { Col Richard Tilghman / Benjamin Tasker Esq^{r} / Philip Lee Esq^{r} } Edmund Jenings Esq^{r} / James Hollyday Esq^{r} / Col Charles Hammond

His Excellency having laid before this Board the following Opinion of John Willes Esq^{r} His Majestys Attorney General, It is ordered to be entered

2. 1st Whether by the Charter of Maryland the Lord Proprietary has not a Right to the Nomination of all Officers in General Civil as well as Military

I am of Opinion that by the Charter of Maryland the Lord Proprietary hath a Right to nominate all Officers in General as well Civil as Military

Lib. M. 2. 2[d] Whether there is anything particular in the Nature of the Office of Treasurer of Either Shoar to exempt it from the said Nomination

It does not appear to me that there is anything so particular in the Nature of the Office of Treasurer of Either Shoar, as to take the Right of Nomination to that Office, from the Lord Proprietary, and give it to any other Persons

2. 3[d] Whether a few Precedents in this Case of a Treasurer being appointed by the tripartite Concurrence of both houses of Assembly and the Governor can or do overthrow his Lordships Right

All the Precedents except One being between 1692 & 1716 when my Lord Baltimore was out of Possession, I am of Opinion that they will not overthrow his Lordships Right founded upon such plain Words in the Charter

2. 4[th] Whether the Precedents hereto annexed do divest the Proprietary of his Right of Nomination to the Office of Treasurer or Treasurers, the said Treasurer or Treasurers so nominated giving the security the Law directs

The Treasurer or Treasurers when nominated by the Lord Proprietary must give such Security as the Law directs: To the other Part of this Query I have given an Answer already

J Willes 22[d] January 1736.

At a Council held in the Council Chamber on Tuesday the tenth Day of May in the twenty third Year of his Lordships Dominion Annoq Domini 1737

Present

His Excellency Samuel Ogle Esq[r] Governor

The honourable	Benjamin Tasker Esq[r]	Edmund Jenings Esq[r]
	Philip Lee Esq[r]	James Hollyday Esq[r]
	Michael Howard Esq[r]	Coł Charles Hammond
	George Plater Esq[r]	

His Excellency having communicated to this Board the Reports made to him, by the Judges of Assize of the Eastern and Western Shoares, of the several Malefactors condemned by them at their Circuits in April last, and of the Crimes of which they were convict; and it appearing to this Board, that Francis Atkinson now under Sentence of Death in Ann Arundel County Goal, and Joseph Noy now under Sentence of Death in Queen Anns County Goal are Objects of Mercy

It is therefore the humble Advice of this Board to his Excellency, that he would be pleased to grant a Pardon to the said Francis Atkinson; and that he would be likewise pleased to grant a Reprieve to the said Joseph Noy, with a Clause to be

inserted therein; that the said Joseph Noy be transported out of this Province in such time as to his Excellency shall seem proper; and forasmuch as the other condemned Persons are notorious Offenders; It is the Advice of this Board, that His Excellency be pleased to issue Warrants for the Execution of them Lib. M.

Ordered that the Clerk of this Board draw an Order one James Hollyday Esq^{r} Treasurer of the Eastern Shoar payable out of the Duty arising from the three Pence $\overline{p}$ hh^{d} for Arms for three Pounds Eight Shillings and Eleven Pence Sterling to M^{r} Onorio Razolino being so much paid by him to several Workmen for Work done by them to the Council Chamber, and it is also ordered that the Clerk draw an Order on James Holliday Esq^{r} payable out of the said Duty for thirteen Shillings and Six Pence Sterling to Patrick Creagh upon Account of Work done by the said Creagh to the Council Room.

At a Council held in the Council Chamber on Wednesday the Eighteenth Day of May in the Twenty Third Year of his Lordships Dominion Annoq Domini 1737.

Present

His Excellency Samuel Ogle Esq^{r} Governor

The honourable { Benjamin Tasker Esq^{r}, Philip Lee Esq^{r}, Michael Howard Esq^{r} } { George Plater Esq^{r}, Edmund Jenings Esq^{r}, James Hollyday Esq^{r} }

His Excellency lays before this Board the following Petition

To His Excellency Samuel Ogle Esq^{r} &c.

Whereas in pursuance to a Proclamation issued by your Excellency in Council, We your humble Petitioners, in Company have apprehended several Dutch Men and Others set forth in the said Proclamation as Disturbers of the Peace; And as its hoped the same has been of Service to the Government; wherefore We humbly pray that your Excellency in Council will be pleased to order the Premiums due upon taking of the said Prisoners (who were all delivered to a proper Officer) to be reposited in the hands of some Gentleman convenient to Our Company in Order to prevent their relinquishing the Governments Interest: We likewise humbly pray Your Excellency to consider, that although some out of the Proclamation have been apprehended & committed to Your City Goal, yet We hope Your Excellency will favourably allow pay for the same, for We run greater Risques of Our Lives in seizing and subduing some not mentioned in the Proclamation, than in

Lib. M. apprehending several Others; And for your Excellencys and the honourable Council's Satisfaction have annexed a Copy of the Prisoners Names set forth by your Proclamation; And We humbly beg and pray that it may fall under your immediate Consideration, a Compliance wherein will infinitely oblige your humble Petitioners with rest of the Company to pray

Jos: Perry. Charles Higginbotham

Upon considering of which Petition, and forasmuch as it appears to this Board that the said Charles Higginbotham Joseph Peery and others in Company with them who are Inhabitants on the West side of Sesquehannah River have in pursuance of a Proclamation issued from this Board bearing Date 21st October 1736 apprehended Michael Tanner Charles Jones Jacob Welshoffer Henrick Baun Conrade Stricklaer George Phlager Nicholas Butchiere Henry Lephart Joshua Minshul Francis Worley Nicholas Birij Balthazar Shambarriere Mark Evans Adam Byard Jacob Grabill Tobias Henricks Michael Wallack Leonard Immel Dennis Myer Christian Lowe Jacob Seglear and Conrade Low mentioned in the said Proclamation; It is therefore the humble Advice of this Board to his Excellency that he be pleased to direct the Sum of pounds to be paid to the said Charles Higginbotham Joseph Perry and Others who were aiding and assisting to them in apprehending and securing the aforementioned Persons

And Whereon the said Charles Higginbotham Joseph Perry and their Assistants have taken several other Persons notorious Disturbers of the Publick Peace, for whom they are not entituled to any Reward, yet as an Encouragement to such as do their Duty in the service of the Government, We recommend it to his Excellency to make them a further Allowance for the same as soon as the other just Debts of the Government will leave Room for Acts of Favour.

Upon Consideration of the several late Violences and Disturbances on the Borders of this Province, This Board is of Opinion and doth accordingly order and direct Mr Attorney General to prosecute at Law the several Actors in, Aiders and Abetters of such Disturbances according as the Nature of their several Offences require

At a Council held in the Council Chamber on Wednesday the twenty fifth Day of May in the twenty third Year of his Lordships Dominion Annoq Domini 1737

Present Lib. M.

His Excellency Samuel Ogle Esq[r] Governor

The honourable
- Benjamin Tasker Esq[r]
- Philip Lee Esq[r]
- Michael Howard Esq[r]
- George Plater Esq[r]
- Edmund Jenings Esq[r]
- James Hollyday Esq[r]
- Col[o] Charles Hammond

To His Excellency Samuel Ogle Esq[r] Lieutenant General and Commander in Chief in and over the Province of Maryland

The Petition of Matthew Cohune

Humbly Sheweth

That your Petitioner being a young Man, and but in indifferent Circumstances, having had some Difference with a Certain M[r] George Robins, One of his Lordship's Justices of the Peace for Talbot County about their Dealings, the said George Robins then threaten'd to remember him; That the said Robins afterwards upon a Dispute between your Petitioner and a certain James Sutton, Your Petitioner being by Virtue of a Warrant taken before the said Robins, the said Robins gave Judgment against your Petitioner without hearing your Petitioners defence, or examining his Evidences, although your Petitioner told him that he had a Certain M[r] Robert Lloyd for an Evidence who was not then present, and who, he apprehended would fully clear up the Debate in favour of your Petitioner; and actually then another Evidence ready to testify for your Petitioner at the house of the said Robins then attending, whom the said Robins insulted and threatened in these Words (You are a noisy Fellow, and I'l send You to the Place you belong to, which Your Petitioner understood to the County Goal) for no other Reason or Provocation but that the said Person told the said Robins, that he was called upon to testify in behalf of your Petitioner. That the said George Robins hath at divers times threatened and insulted your Petitioner, and in Order to intimidate your Petitioner (called upon as an Evidence in a Dispute between a certain Gilbert Barrow and a Tenant of the said Robins) said; that your Petitioner was carryed about the Country by the said Barrow to swear to any thing right or wrong, and by Way of Insult told your Petit[r] he would make a Justice of Peace of him, and calling him Irish Rascall in Order to provoke your Petit[r] as he apprehends to make a Breach of the Peace, or to drop some Expressions against the said Robins as a Magistrate that might give Occasion for a Prosecution, that the said Robins in pursuance of his Malice laboured with the greatest Violence to procure an Information of Forgery to be exhibited against

Lib. M. your Petitioner only for altering a wrong Direction of a Warrant wrote by Order of the Magistrate by your Petitioner as the worshipful Mr Leeds declared upon Oath, by means whereof Your Petitioner was put to a very great Expence; That your Petitioner was no sooner discharged of that Affair, then the said Robins procured an Information to be exhibited against your Petitioner for saying that the said Robins had not done him Justice in the Dispute with Sutton abovemencond as appears by a Copy thereof herewith presented to your Excellency, and which, if at all said, was spoken in private Conversation, and as your Petitioner is advised by Council, that the Words though spoken are not any Offence, nor within the Letter or Meaning of the Act of Assembly upon which the Information is founded; Your Petitioner doubts not but the Prosecution will appear to your Excellency as malicious as groundless; That your Petitioner being called upon in the Absence of his Attorney and obliged to plead to the said Information, that is not guilty, whereby your Petitioner is given to understand he hath waved his Right of Demurer, and as the Prosecutor has joined Issue on the fact, and inasmuch as your Petitioner is already almost ruined the Sheriffs fees, and Officers and Evidence which the said Robins has caused to be summoned their fees amounting to a large Sum of Tobacco, so that if your Petitioner is obliged to undergo a Tryal by the Country, the Expence thereof will entirely ruin your Petitioner though he be acquitted of the Charge, Your Petitioner not being in Circumstances to wage Law with a Man of Mr Robins Power, Influence and Wealth, so as to recover Satisfaction for the great Damage he has sustained by the unjust Prosecution stirred up, and carryed on against him by the Procurement of the said Robins; Under these unhappy Circumstances Your Petitioner begs Leave to prostrate himself at your Excellencys feet, whose noble Soul abhors Oppression, and whose vigilant & compassionate Care for his People will be a perpetual Monument of his Mercy and Justice, and to crave your Excellencys Protection against this undeserved and cruel Prosecution, and that your Excellency, by paring the Talons of those who abuse the Authority vested in them by your Excellency, and convert the wholesome streams which proceed from so pure a fountain into the most pestiferous Draught, will restore Peace to the minds of many of his Lordships Tenants of Talbot County who groan under the Insults of those, whose Authority was designed for their Protection. And Your Petitioner with very many more, for Your Excellency, as in Duty bound will ever pray &c.

Upon reading and considering the said Petition, It is ordered that a Copy thereof be sent to Mr Robins; and that both

Parties attend this Board with their Evidences on the twenti- Lib. M.
eth Day of October next; and It is likewise ordered that the Attorney General stay Prosecution on the Information exhibited in Talbot County Court, and which is now depending in the Provincial Court against the said Matthew Cohune, until further Order.

His Excellency having been pleased to lay before this Board an humble Address to him from the Lower house of Assembly presented setting forth "That as hearing the Com-"plaint of those they represented and examining into the "Nature of any Oppression they may labour under was One "of the most essential Parts of the Great Trust committed to "them, they begged Leave to acquaint his Excellency that in "Execution of that Trust they found by the Information as "well as Testimony of several Persons had under Examination "before them; that Mr Philip Thomas a Farmer of his Lord-"ships Quit Rents had grievously oppressed many of his "faithful Tenants, and contrary to his Lordships known dis-"position in a most arbitrary and unwarrantable manner "exacted and extorted from them in Discharge of their Quit "Rents several sums of foreign Gold and Silver at a Rate far "less than is declared their Sterling Value by his Lordships "Instruction of the fifteenth Day of December seventeen "hundred thirty and five, and in open Contempt of his Lord-"ships Direction by the said Instruction

"It likewise appeared that Mr Gilbert Crockett a Receiver "under the said Philip Thomas had not only in the like op-"pressive arbitrary and contemptuous manner committed "Crimes of the like Nature, but also exacted and extorted "from several of his Lordships Tenants sundry sums of Money "or Tobacco as fees due to himself which they conceived not to "be warranted by any Law or Custom; that they viewed these Abuses with the utmost Abhorrence as they were committed under an Administration that never countenanced the least Oppression, and were such as might tend to alienate the minds of his Lordships Tenants from his Dominion and Government, & thought in Justice to the Country the Persons committing such Abuses ought to be treated in such manner as might effectually discountenance all Oppressions of the like kind for the future, and to that End they begged Leave to entreat his Excellency to direct that the said Philip Thomas and Gilbert Crockett might be prosecuted according to Law for their Oppressions and Exactions aforesaid, and in Order more fully to open the Scene of their Behaviour to lay before his Excellency a Copy of the Report of the Committee of Aggrievances concurred to by that House with the Depositions annext, not doubting but his Excys Iustice and Regard for the well

Lib. M. being of the People of Maryland would appear upon this with the same Zeal as it had upon every other Occasion throughout the whole Course of his Adminis^{n}.

And having been pleased also to communicate to this Board the Copy of the Report mencond in the said Address; Which being read and considered, It is the humble Opinion and Advice of this Board to his Excellency that the said Philip Thomas and Gilbert Crockett be prosecuted according to Law for their Oppressions and Exactions mentioned in the said Address and Report, which Advice and Opinion His Excellency being pleased to approve, M^{r} Attorney General is hereby ordered and directed to prosecute the said Philip Thomas and Gilbert Crockett accordingly.

At a Council held in the Council Chamber on Wednesday the 27th Day of July in the 23^{d} year of his Lordships Dominion Annoq Dom 1737

Present

His Excellency Samuel Ogle Esq^{r} Governor

The hon̄ble Benjamin Tasker Esq^{r} Edmund Jenings Esq^{r}

Col Charles Hammond.

Ordered that the Clerk of this Board summon the Gentlemen of the Council to attend this Board on Wednesday the 3^{d} Day of August next

At a Council held at the house of his Excellency the Governor in the City of Annapolis on Wednesday the third Day of August in the 23rd Year of his Lordships Dominion Annoq Dom 1737.

Present

His Excellency Samuel Ogle Esq^{r} Governor

The hon̄ble	Col Richard Tilghman	Michael Howard Esq^{r}
	Col Matt Tilghman Ward	George Plater Esq^{r}
	John Rousby Esq^{r}	Edmund Jenings Esq^{r}
	Benjamin Tasker Esq^{r}	James Hollyday Esq^{r}
	Philip Lee Esq^{r}	Col Charles Hammond

This Board, taking into Consideration the Great Drought that has happened this Summer, which in all Probability may occasion a Scarcity of Grain, do order that a Proclamation be prepared to prevent the Exportation thereof, which Proclamation being prepared accordingly and approved of by this Board, did issue in the following Words

By His Excellency Samuel Ogle Esq[r] Governor and Command[r] in Chief in and over the Province of Maryland. Lib. M.

Maryland ss.

A Proclamation.

Whereas there is great Reason to apprehend that the drought which has not only exceeded but continued much longer than has been known in many years may occasion a very great Scarcity of Indian Corn and all other sorts of Grain within this Province, And that the very great Demands for Grain in foreign Parts may occasion the Exportation of greater Quantities than can be spared without exposing his Majesty's Subjects here to want Bread I have thought fit with the Advice of his Lordships Council of State in Order to prevent so great an Evil by this my Proclamation to prohibit and forbid as I hereby do prohibit and forbid any Person or Persons whatsoever to take receive or lade on board any Vessel or Vessels whatsoever any Indian Corn Wheat or other Grain with Intent to export such Indian Corn Wheat or Other Grain out of this Province, or to carry out or export by Land until the fifteenth Day of this Instant August; And that in the meantime no Person or Persons on any Pretence whatsoever presume to export any Indian Corn Wheat or Other Grain out of this Province more than shall be necessary for the Crew of such Vessel for their Voyage And I do hereby with the Advice af[d] strictly charge and command all his Lordships Officers whom it may concern that they do not presume to enter or clear outwards any Ship or Other Vessel having on board any Indian Corn Wheat or Other Grain more than shall be necessary for the Sustenance of the Crew of such Ship or Vessel during the intended Voyage of such Ship or Vessel on Pain that all Persons disobeying this Proclamation shall be prosecuted with the utmost Rigour of Law And to the End that none may pretend Ignorance of this my Proclamat[n] I do hereby strictly charge and command all the Sheriffs within this Province to publish the same at the respective Court houses and in all other publick Places as they shall answer the Contrary at their Peril Given at the City of Annapolis this third Day of August in the twenty third Year of his Lordships Dominion Annoq Domini 1737

J Ross, Cł Conc.

Ordered that the Assembly which stands prorogued to the 20[th] day of Septem[r] next be by Proclamation called to meet at Annapolis on the 11[th] Day of this Instant August which Proclamation issued as follows

Lib. M. Maryland ss.

By his Excellency Samuel Ogle Esq[r] Governor and Commander in Chief in & over the Province of Maryland.

A Proclamation

Whereas the General Assembly of this Province stands prorogued until the 20[th] day of Septem[r] next ensuing and that the Safety Good and Welfare of his Majestys Subjects residing therein require the convening the Assembly before the said time of Prorogation I have therefore thought fit with the Advice of his Lordships Council of State by this my Proclamation to notify and publish that the General Assembly of this Province meet and be held at the City of Annapolis on Thursday the Eleventh Day of this Instant August And that all the Members of both Houses of Assembly personally attend at the time and Place af[d] in Order to consult of and concerning the urgent Business of the said Province Given at Annapolis this 3[d] Day of August in the 23[d] year of his Lordships Dominion Annoq Domini 1737

J. Ross Cł Conc.

At a Council held in the Council Chamber on Thursday the 20[th] day of October in the 23[d] year of his Lordships Dominion Annoq Domini 1737.

Present

His Excellency Samuel Ogle Esq[r] Governor

The hon̄ble { Coł Matt: Tilghman Ward, Benjamin Tasker Esq[r], Philip Lee Esq[r], George Plater Esq[r] } { Edmund Jenings Esq[r], James Hollyday Esq[r], Coł Charles Hammond }

M[r] George Robins a Iustice of the Peace of Talbot County being by Order of this Board dated 25[th] of May last summoned to attend here this Day to answer to a Complaint made by Matthew Cohune against him the said Robins as appears by a Petit[n] preferred to this Board the af[d] 25th day of May, and the said Matthew Cohune likewise attending with his Evidences; several Witnesses were examined on behalf of the said Robins; the further Consideration whereof is adjourned 'till to Morrow Morning

At a Council held in the Council Chamber on Friday the 21[st] day of October in the 23[d] Year of his Lordships Dominion Annoq Domini 1737

Present as Yesterday Lib. M.

The Petition of Matthew Cohune against M[r] George Robins being again taken into Consideration, and the rest of the Witnesses examined; His Excellency is pleased to deliver to M[r] Robins and the said Matthew Cohune the Opinion of this Board as follows

That the said M[r] George Robins in rendering Judgment against the said Matthew Cohune as complained of by his the said Cohunes Petition, was too hasty and rash and that the Rule made by the Justices of Talbot County Court of the first Tuesday in June Anno Domini 1736 against him the said Cohune was harsh and severe; that Magistrates in doing their Duty will always be countenanced and protected by this Board, that the Behaviour of the said Matthew Cohune towards the said Robins was rude and indecent, and the said Cohune is directed to behave himself respectfully to the several Magistrates of the County and it is the humble Advice of this Board to his Excellency that he be pleased to direct the Attorney General to stay all Proceedings on the Information exhibited in the Provincial Court against the af[d] Matthew Cohune.

His Excellency having communicated to this Board the Reports made to him by the Judges of Assize of the Eastern and Western Shoars, of the Proceedings in their several Circuits held in September last, and it appearing by the Return of the Justices of the Western Shoar, that One Charles Murphy condemned by them at the Assizes held for Charles County had a very bad Character, and behaved very indecently at his Tryal; It is therefore the Advice of this Board to his Excellency, that he be pleased to order a Dead Warrant to issue for executing the said Charles Murphy.

Ordered that Proclamation issue to dissolve this present General Assembly which stands prorogued to the third Tuesday in November next, and it is likewise Ordered that Writts of Election issue to call a new Assembly returnable to the last Tuesday in february next being the 28[th] Day of the same Month.

At a Council held at the house of his Excellency the Governor in the City of Annapolis on Monday the 21[st] Day of November in the twenty third Year of his Lordships Dominion Annoq Domini 1737

Present

His Excellency Samuel Ogle Esq[r] Governor

The hon̄ble { Benjamin Tasker Esq[r] / George Plater Esq[r] } { Edmund Jenings Esq[r] / Col Charles Hammond }

Lib. M. His Excellency communicates to this Board the following Order of his Majesty in Council dated 18th of August 1737

At the Court at Hampton Court the 18th day of August 1737

Present

The Kings most Excellent Majesty

Arch Bishop of Canterbury	Earl Fitz Walter
Lord Chancellor	Lord Monson
Lord President	Mr Speaker
Lord Privy Seale	Mr Chancellor of the Exchequer
Lord Chamberlain	Henry Pelham Esqr
Earl of Pembroke	Sr Charles Wager
Earl of Cholmondely	Stephen Poyntz Esqr
Earl of Hay	

Whereas two Petitions from the Province of Maryland have been presented to his Majesty at this Board the one from the Governor and Council and the other from the Commissary & Clergy of that Province which petitions represent amongst other things that there is a Suit now depending in his Majestys high Court of Chancery of Great Brittain between the Lord Baltimore Proprietor of Maryland and the Family of the Penns who are the present Proprietors of Pensylvania concerning the Validity of Certain Articles of Agreement entered into between them for adjusting the Boundarys of their respective Provinces—that pending the said Suit great Disorders & Outrages have been committed upon the Borders of the Province of Maryland by the Inhabitants of the Province of Pensylvania who have set Fire to the house of one Cressap when himself Wife Children & six others were in it, and burnt the same to the Ground & that whilst the said Persons endeavoured to escape the Flames several Guns were fired at them, whereby one Man was killed and others wounded, and several were taken Prisoners and Carried to the Goals in Pensylvania Wherefore the Petitioners most humbly pray (amongst other things) his Majestys most Gracious Interposition & Commands for the Preservation of the Peace on the Borders of the said Province and whereas the Lords of the Committee of Council to whom his Majesty referred the Consideration of the said Petitions have made their Report thereupon to his Majesty at this Board—His Majesty this day took the said Report into his Royal Consideration and was pleased with the Advice of his Privy Council to Approve of what is therein proposed, & his Majesty doth hereby Accordingly Order & Command, that the Governors of the respective Provinces of Maryland & Pensylvania for the time being Do not upon pain of incurring

his Majestys highest Displeasure permit or Suffer any Lib. M.
Tumults, Riots, or other Outrageous Disorders to be Committed on the Borders of their respective Provinces, But that they do immediately put a Stop thereto, and use their utmost endeavours to preserve Peace & good Order amongst all his Majestys Subjects under their Government Inhabiting the said Borders, his Majesty doth hereby enjoyn the said Governors that they do not make Grants of any Part of the Lands in Contest between the Proprietors respectively nor of any Part of the three Lower Counties commonly called Newcastle, Kent & Sussex, nor permit any Person to Settle there or even to attempt to make a Settlement thereon till his Majestys Pleasure shall be further Signified; And his Majesty is further pleased to direct that this Order together with Duplicates thereof be delivered to the Proprietors of the said Provinces who are hereby required to transmit the same forthwith to the Governors of the said respective Provinces accordingly

W^m^ Sharp

Which Order being read It is the Advice of this Board to his Excellency that a Proclamation be prepared to notify the same immediately, which Proclamation being drawn accordingly is approved of by this Board and ordered to be sent to the several Counties of this Province, and which Proclamation is as follows—

Maryland ss.

By his Excellency Samuel Ogle Esq^r^ Gov^r^ and Commander in chief in & over the Province of Maryland

A Proclamation

Whereas his Majesty by his Order in Council on the 18^th^ day of Aug^st^ last past reciting that whereas two Petitions from the Province of Maryland had been presented to his Majesty at that Board the one from the Governor and Council & the other from the Commissary and Clergy of this Province which represented amongst other things that there is a Suit depending in his Majestys high Court of Chancery of Great Brittain between the Lord Baltimore Proprietary of Maryland & the Family of the Penns who are the present Proprietors of Pensylvania concerning the Validity of Certain Articles of Agreement entered into Between them for adjusting the Boundaries of their respective Provinces & that pend^g^ the said Suit great Disorders & Outrages have been Committed on the Borders of the Province of Maryland by the Inhabitants of the Province of Pensylvania who had set Fire to the house of Cresap when himself Wife and Children and Six others were in it & burnt

Lib. M. the same to the Ground & that whilst the said Persons endeavoured to escape the Flames several Guns were fired at them whereby one Man was killed & others wounded & several were taken Prisoners & carried to the Goals in Pensylvania & that therefore the Petitioners most humbly prayed amongst other things his Majestys most Gracious Interposition & Commands for the Preservation of the Peace on the Borders of the said Province and that whereas the Lords of the Committee of Council to whom his Majesty Referred the Consideration of the said Petition had made their report thereupon to his Majesty at that Board his Majesty that Day took the said Report into his Royal Consideration & was pleased with the advice of his privy Council to approve of what was therein proposed And his Majesty did thereby accordingly Order & Command that the Governors of the respective Provinces of Maryland & Pensylvania for the time being do not upon pain of Incurring his Majestys highest Displeasure permit or Suffer any Tumults Riots or other Outrageous Disorders to be Committed on the Borders of the respective Provinces but that they do immediately put a Stop thereto and use their utmost endeavours to preserve peace & good Order amongst all his Majestys Subjects under their Government inhabiting the said Borders: And as a means to preserve Peace & Tranquility on the said Borders his Majesty did thereby enjoin the said Governors that they do not make Grants of any Part of the Lands in Contest between the Proprietaries respectively nor of any Part of the three Lower Counties commonly Called New Castle Kent & Sussex nor permit any person to Settle there or even to attempt to make a Settlement thereon till his Majestys Pleasure should be further signified And his Majesty was further pleased to direct that Order together with Duplicates thereof should be delivered to the Proprietaries of the said Provinces who are hereby required to transmit the same forthwith to the Governors of the said respective Provinces accordingly which Royal Order and Command being but Just received by me I Have with the advice of his Lordships Council of State thought fit Immediately to publish and proclaim the same as aforesaid in Order that every of his Majestys Subjects may have due and speedy Notice thereof & Govern themselves accordingly & for the more perfect Obedience to this his Majestys Will & pleasure all Magistrates, Sheriffs, Surveyors, Officers & other persons Inhabitants of this Province, are hereby Strictly Enjoyned & Commanded not only to prevent discourage and discountenance as much as they can any Tumults Riots or other Outrageous disorders on the Borders aforesaid or any future Settlements in the Places aforesaid but also from time to time

to give immediate Notice to this Government of any such Lib. M.
Tumult Riot or other outrageous Disorder or any future Settlement or Attempt to make such future Settlement in any of the parts or places aforementioned in order that proper Measures may be taken for the putting a Stop to suppressing or punishing the same & exacting the most perfect & full Obedience to his Majestys said Royal Order & that none may pretend ignorance of his Majestys Commands in the Premises all & every the Sheriffs of this Province are hereby Strictly enjoyned & Commanded to publish this Proclamation forthwith in their Respective Counties not only by reading the same but also by Immediately affixing Copies thereof at the most publick places in their respective Counties & also that at all & every the several County Courts to be held from & after the publication hereof they & every of them shall read & publish this Proclamation, & so Continue to read & publish the Same at all & every the Succeeding Courts in their respective Counties untill they shall receive further Orders to the Contrary Given at the City of Annapolis this Twenty first day of November in the Twenty third Year of his Lordships Dominion Annoque Domini 1737

J Ross Cł Conc

1st February 1737

Ordered by his Excellency the Governor that the Present General Assembly, which pursuant to the Writts of Election was to have met on 28th Instant, be prorogued to the first Tuesday in May next; and Proclamations issued accordingly

At a Council held in the Council Chamber on Friday the 5th Day of May in the Twenty fourth year of His Lordships Dominion Annoq Domini 1738.

Present

His Excellency Samuel Olge Esqr Governor

The Hon̄ble	Col Richard Tilghman	George Plater Esqr
	Col Matthew Tilghman Ward	Edmund Jenings Esqr
	Benjamin Tasker Esqr	Col Charles Hammond
	Philip Lee Esqr	

Ordered that the following Proclamation issue

Maryland ss.

By His Excellency Samuel Ogle Esqr Governor and Commander in Chief in & over the Province of Maryland

A Proclamation

It having been represented to me in Council, that some Negroes have broke Prison and Others are run away and

Lib. M. have been guilty of cruel Violences particularly on a certain Mark Webb of Prince Georges County Blacksmith and are still outlying; And this Board being of Opinion that such Negroes could not have escaped an Apprehension or being brought to Justice so long, if the several Sheriffs and Magistrates of the respective Counties had upon Information of these Negroes Behaviour exerted their proper Authorities and acted as their several Duties and the Good of the Publick required for their speedy Apprehensions; Therefore for stopping as soon as may be the mischievous Consequences which may arise from the violent and unrestrained Practices of those Negroes; I have therefore thought fit with the Advice of his Lordships Council of State to issue this my Proclamation strictly ordering and enjoyning the Sheriff of Prince Georges County that immediately and without Delay but with the utmost Dispatch and Care he search for and endeavour to discover find out and apprehend and take those Negroes and Every of them so that they might be brought to Justice, and for that Purpose that he raise and take with him the Power and Assistance of his County if he think it expedient, and herein We require his strict and punctual Obedience Given at Annapolis this fifth Day of May in the twenty fourth year of his Lordships Dominion Annoq Domini 1738

J Ross Cł Conc.

At a Council held in the Council Chamber on Tuesday the ninth Day of May in the twenty fourth Year of His Lordships Dominion Annoq Domini 1738

Present

His Excellency Samuel Ogle Esq^{r} Governor

The honourable { Coł Richard Tilghman, Coł Matthew Tilghman Ward, Benjamin Tasker Esq^{r}, Philip Lee Esq^{r}, George Plater Esq^{r}, Edmund Jenings Esq^{r}, Coł Charles Hammond }

The Committee of Aggrievances having applied to the Clerk of this Board for a Copy from the Council Book of his Lordships Proclamation for regulating Officers fees, and the Regulation thereof, and the Clerk having acquainted this Board with such the Desire of the said Committee; It is ordered that the Clerk make them out such Proclamation and Regulation and that he charge his Fees for the same

At a Council held in the Council Chamber on Wednesday the tenth Day of May in the twenty fourth Year of his Lordships Dominion Annoq Domini 1738.

Present Lib. M.

His Excellency Samuel Ogle Esq[r] Governor

The honble { Col Richard Tilghman, Col Matthew Tilghman Ward, Benjamin Tasker Esq[r] } { Philip Lee Esq[r], George Plater Esq[r], Edmund Jenings Esq[r], Col Charles Hammond }

Whereas His most sacred Majesty has been graciously pleased by his Majestys Order in Council of the Eighteenth of August last in Order to restore and preserve Peace and Quietness on the Borders of this Province and the Province of Pensilvania among other things to order and direct "That "the Governors of the respective Provinces for the time being "do not upon Pain of incurring his Majestys highest Displeas- "ure permit or suffer any Tumults Riots or other Outragious "Disorders to be committed on the Borders of their respec- "tive Provinces, but that they do immediately put a Stop "thereto, and use their utmost Endeavours to preserve Peace "and good Order among all his Majestys Subjects under their "Governm[ts] inhabiting the said Borders" And whereas several of the Inhabitants of Pensilvania have been excited by the Government and Magistrates of that Province to commit diverse Cruelties and Outrages on many of his Majestys Subjects residing in some Parts of this Province which border on Pensylvania, And that several Other of the Inhabitants of this Province living on the said Borders have been seduced by the Emissaries of the Government and Magistrates of Pensylvania to withdraw and shake off that Obedience which they owed to the Government and Laws of this Province, and to abet the Cruelties and Outrages committed on their Neighbours and Fellow Subjects by the Instigation of the Government and Magistrates of Pensylvania and their Emissaries, for which Offences diverse persons are under Prosecution in the Provincial Court; But in regard it is hoped his Majestys Royal Interposition will for the future prevent the like Cruelties and Outrages or any Others; Wherefore and to the End that even those who have been Transgressors may have the full Benefit and Advantage of the Royal Grace and Favour His Excellency the Governor with the Advice of his Lordships Council of State doth hereby order and direct the Attorney General to enter Nol Proseq on all Indictments or Informations exhibited and now depending in the Provincial Court for any Riott Rout unlawful Assembly or other Crime whatsoever (capital Offences excepted) and to cause or consent to Entries to be made to discharge all such Persons on their paying the legal Fees from them respectively due and owing; And it is further hereby ordered that the said Attorney General shall

Lib. M. not proceed any further against the Persons charged with Murder or any other capital Offence until his Majesty's Royal Pleasure shall be known concerning them, and signifyed to him by his Excellency the Governor in Council.

At a Council held in the Council Chamber on Monday the fifteenth Day of May in the twenty fourth year of his Lordships Dominion Annoq Domini 1738

Present

His Excellency Samuel Ogle Esq^{r} Governor

The hon̄ble { Col Richard Tilghman; Col Matthew Tilghman Ward; Benjamin Tasker Esq^{r}; George Plater Esq^{r}; Edmund Jenings Esq^{r}; James Hollyday Esq^{r}; Col Charles Hammond }

His Excellency acquaints the Board that he has nominated Levin Gale Esq^{r} a Member of his Lordships honourable Council, who attends in Order to be qualified

Whereupon the said Levin Gale Esq^{r} takes the Oath to the Government appointed to be taken by Act of Assembly, and likewise the Oath of a Councillor, and subscribes the Oath of Abjuration and Test and takes his Place at the Board accordingly.

At a Council held in the Council Chamber on Wednesday the seventeenth Day of May in the twenty fourth year of his Lordships Dominion Annoq Domini 1738.

Present

His Excellency Samuel Ogle Esq^{r} Governor

The hon̄ble { Col Richard Tilghman; Col Matthew Tilghman Ward; Benjamin Tasker Esq^{r}; Philip Lee Esq^{r}; George Plater Esq^{r}; Edmund Jenings Esq^{r}; James Hollyday Esq^{r}; Col Charles Hammond; Col Levin Gale }

His Excellency having communicated to this Board the Reports made to him by the Justices of Assize of the Eastern and Western Shoar of the several Malefactors condemned by them at their Circuits in April last, and of the Crimes of which they were convict; and also the Report of Benjamin Young Esq^{r} who by Virtue of a special Commission of Oyer and Terminer passed Sentence of Death against John Mason and Mary Oneil for a Burglary by them committed in Baltimore County; and likewise the Copy of the Record from Prince

Georges County Court of the Conviction of a Certain Negro named Bess the Slave of a Certain John Beale of the said County for feloniously attempting to murder with poyson the afd John Beale her Master transmitted to his Excellency by Mr Leonard Hollyday One of the Justices of the said County, who passed Sentence of Death upon her the said Negro Bess for the Felony aforementioned, and it appearing to this Board, that Mary Oneil now under Sentence of Death in Baltimore County Goal, and Negro Sampson a Slave belonging to John Rider Esqr now under sentence of Death in Dorchester County Goal are Objects of Mercy Lib. M.

It is therefore the humble Advice of this Board to his Excellency that he would be pleased to grant a Pardon to the afd Negro Sampson, and that he would be likewise pleased to grant a Reprieve to the said Mary Oneil, with a Clause to be inserted therein that the said Mary Oneil be transported out of this Province in such time as to his Excellency shall seem proper; and forasmuch as the Other condemned Persons are notorious Offenders, and the Crimes of which they are convict very heinous; It is the Advice of this Board that His Excellency be pleased to order Warrants to issue for the Execution of them.

His Excellency acquaints this Board that he drew an Order on Col Charles Hammond Treasurer of the Western Shoar payable to Mr Onorio Razolini or Order for forty pounds Sterling dated 7 April 1737 being his Years Salary as Armourer of this Province ending 4 June 1737 to be paid out of the Money arising from the Duty of three pence ꝑ hhd for Arms &c.

At a Council held in the Council Chamber on Tuesday the twenty third Day of May in the twenty fourth year of his Lordships Dominion Annoq Domini 1738

Present

His Excellency Samuel Ogle Esqr Governor

The honourable { Benjamin Tasker Esqr, George Plater Esqr, Edmund Jenings Esqr } { James Hollyday Esqr, Col Charles Hammond, Col Levin Gale }

His Excellency lays before this Board the Address of the Upper House of Assembly presented to him yesterday by the Members thereof.

To His Excellency Samuel Ogle Esqr Governor and Commander in Chief in and over the Province of Maryland

The humble Address of the Upper House of Assembly

May it please Your Excellency—

Our Inclination to serve the Country We live in, and the Honour of Our House oblige Us to acquaint Your Excel-

Lib. M. lency that upon Wednesday last, We sent a Message to the Lower House of Assembly by One of Our Members, who upon his Application for Leave to deliver it, was told by their Serjeant, as from that House to wait

From this Indignity offered Us, and to prevent the like ill Treatment for the future, We were induced agreeable to the Practice of the Upper Houses of Assembly and Councils of State in most, if not all, his Majestys Plantations, to send Our Clerk to the Lower house, with several Paper Bills and a Message acquainting them that the Extraordinary Treatment one of our Members had received on a Message to them had obliged us to prevent unnecessary debates to the delay of the publick Business and Indignity thereafter to send our Messages by our Clerk

When our Clerk applied for Leave to deliver this Message the Speaker very unexpectedly came out of the House and Receiv'd it And a Message in ans^{r} to it was sent to us by two members from the Lower House Complaining that their Speaker was called out of the Chair and out of the House by Our Clerk and had several Papers delivered him by the said Clerk and One among them, which they should have taken as a Message from us if it had been brought or delivered in the usual manner

That that Behaviour of our Clerk they Conceived to be such an Indignity to their House as obliged them to demand immediate Reparation

That as to the unexpected and Extraordinary Treatment mentioned in that Paper delivered their Speaker they could with the Greatest Truth and Sincerity declare they had no Intentions to treat our House or any member of it but with the Greatest Decency and Good manners and that if any thing had happened which seemed to have a different Appearance it was not Design'd and if we had not a strong Inclination to enter into unnecessary disputes with their House which must retard the Publick Business and of Course become injurious to the whole Province we should have taken a very different Course from that we chose

And further that as to what was mentioned in the Paper under Consideration of sending future Messages by Our Clerk they should be very well Content with it & follow our Example in sending all their Messages by their Clerk

This Message very much surprized us and the doubt the Lower house made of any thing having happened which seemed to have an appearance different from decency and Good manners and their charging us with a very strong Inclination to enter into unnecessary disputes that would be injurious to the Province and their demanding Reparation for

an Injury they had really done us Convinced us we were not to expect more Civil Treatment from them for the future then they had been pleased to Give the last Member of our House that we sent to them Lib. M.

We therefore prepared a Civil and Suitable Answer to their Message and sent it on Thursday last by Our Clerk as we had proposed to send & they had Agreed to Receive but when he applied for Leave to present it was refused & Obliged to return with it. We sent it again on Friday last in the same manner and our Clerk waited to deliver it above an hour after he had Given notice to the Serjeant attending the Lower House of his having a message to deliver from us but was again refused an opportunity to deliver it and Obliged to Return with it As we are Convinced what we have done is well warranted by Reason and Justice and by the Practice of our neighbouring Governments We flatter ourselves with the Satisfaction of being justified in the Opinion of your Excellency and every Reasonable and Candid man but as by the Refusall of the Lower house to receive any Messages from the hands of Our Clerk with which method they have declared they would be very well Content, an entire stop is put to the Communication of the two Houses and to the publick Business we make this humble Application to Your Excellency with a full Assurance of your Excellencys Readiness to interpose your Authority in such manner as may best prevent a further Needless Expence and Burthen to the Province.

Benj. Tasker Presid^{t}

Which Address being read; It is the Advice of this Board to his Excellency that he be pleased to issue his Proclamation to prorogue the said Assembly to the second Tuesday in July next, which Proclamation being prepared and approved of, issued as follows

Maryland ss

By his Excellency Samuel Ogle Esq^{r} Governor and Commander in Chief in & over the Province of Maryland

Whereas a Disagreement has arose and still subsists between the Two Houses of Assembly to the Interruption and Hinderance of publick Business by which Means so entire a Stop is put to the necessary Communication of the Two Houses that the Upper House by their Address have desired my Interposition to prevent a further needless Burthen and Expence to the Province; I have therefore thought fit with the Advice of his Lordships Council of State to prorogue this

Lib. M. present General Assembly, and I do hereby prorogue the same to the second Tuesday in July next being the Eleventh Day of the same Month, And to the Intent that all Persons concerned may have due Notice thereof I do strictly charge and require the Sheriff of the County of Ann Arundel to make this my Proclamation publick in the said County in the usual Manner as he will answer the Contrary at his Peril Given at the City of Annapolis this 23^{d} Day of May in the 24th Year of his Lordships Dominion Annoq Dom 1738.

J. Ross Cl Conc.

And It is the further Advice of this Board that His Excellency be pleased to prorogue the Assembly again to some longer Day as he shall think proper and that after such Proclamation issued, he then order Writts to issue to dissolve the same.

17 June 1738

Ordered by His Excellency the Governor that the present General Assembly which stands prorogued to the second Tuesday in July next be further prorogued to the second Tuesday in October next being 11th Day of the same Month & Proclamations issued accordingly.

At a Council held at the House of M^{r} Onorio Razolini in the City of Annapolis on Tuesday the Eleventh Day of July in the Twenty fourth Year of his Lordships Dominion Annoq Domini 1738

Present

His Excellency Samuel Ogle Esq^{r} Governor

The honourable { Benjamin Tasker Esq^{r}, George Plater Esq^{r}, Edmund Jenings Esq^{r}, Col^{l} Charles Hammond }

His Excellency having communicated to this Board a Letter delivered him giving an Account of a Murder supposed to be committed back in the Woods upon some of the Inhabitants of this Province, and also His Excellencys Letter to Capt^{n} George Beale and Capt^{n} James Edmonston of Prince Georges County directing Each of them to take such of the Militia of their County as were under their Command, and go to the Assistance of such of the Inhabitants in those Parts as might be in Danger; which Orders of his Excellency This Board on that Occasion think extremely prudent and proper; and his Excellency also laying before this Board a Letter he received from Capt^{n} George Beale giving a very imperfect Account of the said Murder; It is the Opinion of

this Board that the said Captain George Beale should make a more exact Enquiry of the Place where the fact was committed, that it may be certainly known whether it was done in this Government or in the Colony of Virginia Lib. M.

Ordered that the Clerk of this Board draw an Order on Coł Charles Hammond Treasurer of the Western Shoar payable to Mr Onorio Razolini or Order for forty Pounds Sterling being his Years Salary as Armourer of this Province ending 4th June last to be paid out of the Money arising from the Duty of Three Pence ꝑ hhd for Arms

At a Council held at the house of Mr Onorio Razolini in the City of Annapolis on Tuesday in the Afternoon being the Eleventh Day of July in the Twenty fourth Year of his Lordships Dominion Annoq Dom. 1738

Present

His Excellency Samuel Ogle Esqr Governor

The honourable { Benjamin Tasker Esqr / George Plater Esqr / Edmund Jenings Esqr

Captain George Beale being sent for appears before this Board, and acquaints them, that he has made all the Enquiry he can, relating to the Murder supposed to be committed by a Parcel of Indians upon some of the Inhabitants of this Province; It is therefore the Opinion of this Board that it will be needless for the said Captain Beale to make any further Enquiry therein at present.

It appearing to this Board upon Information of Capt. George Beale that in pursuance of his Excellencys Directions to him to go back into the Woods and enquire into a Murder supposed to be committed by a Parcel of Indians upon some of the Inhabitants of this Province, and being directed as Captain to take along with him the Troop under his Command; he accordingly commanded several belonging to his said Troop to go along with him, which they refused to do; It is therefore the Opinion of this Board that such Persons so refusing be proceeded against according to Law; and the said George Beale is directed to certify to the next Justice of the Peace such their Refusal, in Order that such further Proceedings may be had therein as the Law directs

This Board being informed that some Persons, belonging to the Company of foot of Captain James Edmonston, refused, upon being legally summoned, to appear at the training Field, in order to go back into the Woods pursuant to his Excellencys Directions to enquire into the aforementioned Murder; It is the

Lib. M. Opinion of this Board that such ꝑsons so refusing be proceeded against according to Law, and the said James Edmonston is directed to certify to the next Justice of the Peace such their Refusal, in Order that such further Proceedings may be had therein as the Law directs

Ordered that the Clerk of this Board draw an Order on Coł Charles Hammond Treasurer of the Western Shoar payable to Captain George Beale or Order for the Sum of Eleven Pounds fifteen Shillings and four pence Currency being so much expended by him and Company in going back into the Woods according to his Excellencys Directions to enquire into a Murder committed by the Indians

At a Council held in the Council Chamber on Tuesday the Eighteenth Day of July in the twenty fourth Year of his Lordships Dominion Annoq Domini 1738

Present

His Excellency Samuel Ogle Esqr Governor

The hon̄ble { Benjamin Tasker Esqr, George Plater Esqr, Edmund Jenings Esqr } Coł Charles Hammond, Coł Levin Gale

His Excellency produces to this Board an Instruction of the Right honourable the Lord Proprietary, which is as follows

Baltimore

Orders and Instructions to Our trusty and welbeloved Samuel Ogle Esqr Governor of Maryland

Whereas It may be necessary for a Commission appointing a President of Our Council, who in Case of your Death or any other Inability may take upon him the Charges he is intituled to by Virtue of the said Office

Our Will and Pleasure is that You do cause a Commission to be drawn out, and that You do insert in the said Commission the Name of such Person as you shall judge most for the Interest of the Province, who is in the Cases aforesaid to act as President of the Council in such Cases doth, until some Other Person be sent duely qualified to supersede him, and that such Commission so filled up and signed be lodged in the hands of the Clerk of Our Council sealed up, and not to be opened but in the Cases aforesaid

2dly We do likewise out of Our especial Confidence in Your Zeal for the Welfare of the Province, give you full Power at all Times either to displace any Person in Office, or on Vacancys

to fill up such Vacancys, until Our further Pleasure be known, Lib. M.
and likewise to put any Place or Places into Commission

Signed and sealed this 12th Day of October in the 21 year of Our Dominion

C B

By Command of his Lordship
Signed by William Janssen Secry

Ordered that Proclamations issue bearing Date of the first Day of October next further to prorogue the Assembly to the first Tuesday in May following, and it is likewise Ordered that Proclamations issue to dissolve this present General Assembly, and that the said Proclamations bear Date 20th of October next; And It is the humble Advice of this Board to his Excellency that he be pleased to order Writts of Election, bearing Date 25th of the said Month of October, to issue, to call a new Assembly returnable to the 8th Day of December following.

At a Council held at the House of his Excellency the Gov- Lib. C. B.
ernor in the City of Annapolis on Tuesday the Seventeenth p. 1
Day of October in the Twenty fourth Year of his Lordships Dominion Annoq Domini 1738.

Present

His Excellency Samuel Ogle Esqr Governor.

The hoñble { Coł Richard Tilghman, Coł Matt. Tilgh: Ward, Benjamin Tasker Esqr } Edmund Jenings Esqr, James Hollyday Esqr, Coł Charles Hammond.

His Excellency having laid before this Board a Letter he received from William Janssen Esqr his Lordships Secretary in London dated wherein he mentions that he had sent another Letter dated with the Copy of the Articles of Agreement entered into between the Right honourable the Lord Proprietary of this Province, and the hoñble the Proprietors of Pensilvania; which Letter his Excellency informs this Board, he has not yet received; It is therefore the Opinion and Advice of this Board that his Excellency be pleased to delay the Execution of the said Articles for some time; until he shall receive the abovementioned Letter.

At a Council held at the House of his Excellency the Governor in the City of Annapolis on Wednesday the 18th Day of October in the twenty fourth year of his Lordships Dominion Annoq Domini 1738.

Lib. C. B. p. 2

Present

His Excellency Samuel Ogle Esq^{r} Governor

The hon$\bar{b}$ble { Col. Richard Tilghman, Edmund Jenings Esq^{r} ; Col. Matt: Tilgh: Ward, James Hollyday Esq^{r} ; Benjamin Tasker Esq^{r}, Col Charles Hammond ; Philip Lee Esq^{r}, Col Levin Gale }

Read the Petition of several Inhabitants living in Prince Georges County upon the Frontiers of this Province, praying that a Garrison may be kept and maintained at or near an Indian Pathway in order to secure the said Inhabitants from any Insults or Barbarities that may be committed on them by any Indians; Ordered that such Officers of the Militia as live nearest the Petitioners have Notice, that they be ready to attend and march to the Assistance of the s^{d} Petit^{rs} upon any Emergency.

His Excellency having communicated to this Board the Reports made to him by the Judges of Assize of the Eastern and Western Shoars of the Proceedings in their several Circuits held in September last, and it appearing by the Return of the Justices of the Western Shoar that a certain James Wood condemned by them for a Burglary by him committed, was transported as a Convict into this Province, and that they could offer nothing in his behalf to induce his Excellency to Mercy ; It is therefore the humble Advice of this Board, that his Excellency be pleased to order a Warrant to issue for his Execution.

His Excellency having laid before this Board the Copy of the Record from Calvert County Court of the Conviction of a
p. 3 certain Negro Man named the Slave of of the said County for a Certain Felony of Death by him committed ; It is the Opinion of this Board that his Execution be at present suspended and referred to further Consideration, until such time as the Attorney General may have thoroughly perused and considered the Indictment and other Process against him as by this Board he is desired to do and make Report thereof with all convenient Speed.

His Excellency having this Day communicated to and laid before this Board his Majestys late Order in Council dated the 25th Day of May last past for carrying into Execution a late temporary Agreement between the Right honourable the Lord Proprietary of this Province and the Proprietors of Pensylvania, as also several Letters from the Governor of Pensylvania, together with a Copy of the Agreement from the Lord Proprietary this Day received by his Excellency inclosed in a Letter to him from William Janssen Esq^{r} his Lordships Secretary which Agreement is as follows.

At the Court at Kensington The 25th Day of May 1738 Lib. C. B.

Present

The Kings most excellent Majesty.

Arch Bishop of Canterbury	Duke of Newcastle
Lord President	Earl of Scarborough
Lord Steward	Earl of Grantham
Lord Chamberlain	Earl of Cholmondeley
Duke of Bolton	Earl of Selkirk
Duke of Devonshire	Earl of Hay.
Earl Fitz Walter	Mr Chancellor of the Exchequer p. 4
Viscount Torrington	Sr Charles Wills
Lord Harrington	Henry Pelham Esqr
Viscount Lonsdale	Sr Charles Wager

Upon reading at the Board a Report from the Right, honourable the Lords of the Committee of Council for Plantation Affairs dated the 4th of this Instant in the Words following Viz.

Your Majesty having been pleased by Your Orders in Council of the 17th of March 1736/7 and the 21st of July 1737 to refer unto this Committee several Petitions from the President Council & General Assembly of the Province of Pensilvania and likewise from the Governor and Council and the Commissary and Clergy of the Province of Maryland which Petitions represent (amongst other things) that great Disorders and Outrages have been committed upon the Borders of the said respective Provinces and humbly praying Your Majestys most Gracious Interposition and Commands for the Preservation of the Peace on the said Borders until the Boundaries of the said Provinces shall be finally settled and adjusted. The Lords of the Committee of Council did on the 29th of the said Month of July take the Matter of the said Complaints into their Consideration And thereupon reported to your Majesty what they thought most adviseable for Your Majesty to do in Order to prevent the further Continuance of the said Disorders and to preserve Peace and Tranquillity on the said Borders until the Boundaries should be finally settled. And Your Majesty having approved of what was proposed by the said Report was pleased by your Order in Council of the 18th of August 1737 to direct as follows Viz.

That the Governors of the respective Provinces of Maryland and Pensilvania for the Time being do not upon pain of incurring his Majestys highest Displeasure permit or suffer p. 5 any Tumults Riots or other Outragious Disorders to be committed on the Borders of their respective Provinces, but that they do immediately put a Stop thereto and use their utmost Endeavours to preserve Peace and Good Order amongst all his Majestys Subjects under their Governments inhabiting the

Lib. C. B. said Borders, And as a Means to preserve Peace and Tranquillity on the said Borders, His Majesty doth hereby enjoyn the said Governors that they do not make Grants of any Part of the Lands in Contest between the Proprietors respectively nor of any Part of the three Lower Counties commonly called Newcastle Kent and Sussex, nor permit any Person to settle there or even to attempt to make a Settlement thereon till his Majestys Pleasure shall be further signified. And his Majesty is further pleased to direct that this Order together with Duplicates thereof be delivered to the Proprietors of the said Provinces who are hereby required to transmit the same forthwith to the Governors of the said respective Provinces accordingly

That since the issuing the said Order Your Majesty hath been pleased to refer unto this Committee an Address of the Deputy Governor and of the Upper and Lower Houses of Assembly of the Province of Maryland relatiing to a Continuance of the said disorders, and also two Petitons the One in the Name of John, Thomas and Richard Penn Esq^{rs} Proprietors of the Province of Pensilvania—praying your Majestys further Pleasure may be signifyed relating to your Majestys aforecited Order in Council of the 18th of August 1737 and the other in the Name of the Agent of the said Province of Pensilvania complaining of fresh Disorders committed by the Inhabitants of Maryland against those of Pensilvania Whereupon the Lords of the Committee did on the 23^{d} of February last proceed to take all the Papers relating to the Complaints made by Each of the said Provinces into their Consideration and
p. 6 were attended by Council on both Sides and likewise by the Proprietors of the said Provinces And the Council desiring that reasonable Time might be allowed the Prop^{rs} to confer together in Order to come to some Agreement amongst themselves that so the Peace and Tranquillity of both Provinces may be preserved until such time as the Boundaries can be finally settled. The Lords of the Committee thought proper to comply with such their Request And being again this Day attended by all Parties the Council acquainted the Committee that the Proprietors of Each province had accordingly met and agreed to the following Propositions Viz.

1st That so much of his Majestys Order in Council of the 18th of August 1737 as orders—That the Governors of the respective Provinces of Maryland and Pensilvania for the time being do not upon Pain of incurring his Majestys highest Displeasure permit or suffer any Tumults Riots or other Outragious Disorders to be committed on the Borders of their respective Provinces but that they do immediately put a Stop thereto and use their utmost Endeavours to preserve Peace and Good

Order amongst all his Majestys Subjects under their Govern- Lib. C. B.
ment inhabiting the said Borders—do stand in force and be observed.

2d That there being no Riots that appear to have been committed within the Three Lower Counties of Newcastle Kent and Sussex upon Delaware It is therefore not thought neccessary to continue the latter Part of the said Order in Council as to the said three Lower Counties but that the same former Order in Council so far as relates to the said three Lower Counties be discharged without Prejudice to Either of the Proprietors as if the same had never been made

3d That all other Lands in Contest between the said Pro- p. 7
prietors now possessed by or under Either of them shall remain in the Possession as they now are (although beyond the temporary limits hereafter mentioned) And also the Jurisdiction of the respective Proprietors shall continue over such Lands until the Boundaries shall be finally settled. And that the Tenants of Either side shall not attorn to the Other, nor shall Either of the Proprietors or their Officers receive or accept of Attornments from the Tenants of the Other Proprietor.

4th That as to all vacant Lands in Contest between the Proprietors not lying within Either of the three Lower Counties and not now possessed by or under either of them on the East Side of the River Susquehannah down so far South as Fifteen Miles and One Quarter of a Mile South of the Latitude of the most Southern Part of the City of Philadelphia And on the West Side of the said River Susquehannah down so far South as fourteen Miles and three Quarters of a Mile South of the Latitude of the most Southern Part of the City of Philadelphia The temporary Iurisdiction over the same is agreed to be exercised by the Proprietors of Pensilvania and their Governor Courts and Officers. And as to all such vacant Lands in Contest between the Proprietors and not now possessed by or under Either of them on both sides of the said River Susquehannah South of the respective Southern Limits in this Paragraph before mentioned the Temporary Iurisdiction over the same is agreed to be exercised by the Proprietor of Maryland and his Governor without Prejudice to Either Proprietor and until the Boundaries shall be finally settled

5th That the respective Proprietors shall be at free Liberty to grant out on the common and usual Terms all or any Vacant Lands within the said Provinces of Pensilvania and Maryland in Contest between the said Proprietors (that is to say within their own respective Sides of the said several Limits p. 8
mentioned in the last foregoing Paragraph) For the which Lands and the Profits of the same also Each Proprietor shall account to the other who may be adjudged to be the Proprietor

Lib. C. B. thereof upon the final Determination of the Boundaries between the Two Provinces.

6th That all Prisoners on both sides on Account of being concerned in any Riots or Disturbances relating to the Bounds or for any Act or thing done thereat or for any other Act touching the Right of either of the said Provinces in Relation to their Bounds be forthwith released and discharged on entering into their own respective Recognizances in a reasonable Sum to appear and submit to Tryal when called upon by further Order from his Majesty.

7th That this be declared to be a provisional and temporary Order to continue until the Boundaries shall be finally settled and be declared to be without Prejudice to Either Party.

8th That His Majesty be most humbly moved to discharge so much of the Order of the 18th of August 1737 as varys from this Agreemt and that the several other Petitions of Complaint now depending before his Majesty in Council relating to any Disturbances may be withdrawn by the respective Petitioners.

To which Propositions the Proprietors of each Province signifyed their Consent before the Committee and declared their Readiness to carry the same into Execution if Your Majesty shall be pleased to approve thereof And the Committee considering that this Agreement may be a proper Expedient for restoring Peace and Tranquillity between the said Provinces and for preventing any the like Disturbances for the future do therefore agree humbly to lay the same before Your Majesty for Your Royal Approbation.

p. 9 His Majesty this Day took the said Report into Consideration & in Order to preserve Peace and Tranquillity between the said Provinces and to prevent any the like Disturbances for the future, is pleased, with the Advice of his Privy Council, to approve of the said Agreement entered into between the Proprietors of the said respective Provinces. And his Majesty is hereby pleased to order that the Proprietors of the said respective Provinces of Maryland and Pensilvania, do cause the said Agreement to be carryed into Execution Whereof the said Proprietors and all others whom it may concern, are to take Notice and govern themselves accordingly.

Jas Vernon.

This Board having taken the same into Consideration as also what Time may be reasonably appointed for beginning the Execution of the said Agreement so as proper Artists may be procured from the Colony of Virginia or some other neutral Place for that Purpose, are humbly of Opinion and do offer it as their Advice to his Excellency that the 30th of November

next may be a fit and sufficient Time and that the Governor of Pensilvania if his Excellency pleases, may be informed thereof accordingly. Lib. C. B.

1737 The Publick	Dr	Paper Curr.
	£	s. d
To Cash paid Mr Evett for mending the Lustre in the Council Room	0 :	05 : 6
To Ditto paid for 2 pr of Branches for Do	1 :	03 : 6
To Do pd Mr Meredith for carting Posts Rails & Pails to the Powder House.	0 :	09 : 6
To Do pd Col Hammond for Posts and Rails for Do	1 :	05 : 0
To Do pd for 100 Pails for Do	0 :	06 : 0
To Do pd for 700 20d Nails at 22/s	0 :	15 : 9
To Do pd Mr Creagh for mending the Windows to the Coun[l] Room	2 :	10 : 6
To Do pd for carting Arms & Shot to the Council house and Stadt house.	0 :	04 : 0
To Do pd Robt Cuming for Work done at the Powder House as it appears by his Account proved	2 :	13 : 4
	9 :	13 : 1

17 Oct. 1738 Errors Excepted p O: Razolini.

The aforegoing Account being read and allowed Ordered that the honble Col Charles Hammond Treasurer of the Western Shoar pay unto Mr Onorio Razolini or Order out of the Money arising from the duty of 3d p hhd for Arms the Sum of 3£: 17s: 3d Sterling in Lieu of the Sum of 9: 13: 1 Paper Currency the Ballance of the Account; the said Sterling Sum being at the Rate of 150 p Cent Discount between Sterling and Paper. p. 10

At a Council held at the House of his Excellency the Governor in the City of Annapolis on Wednesday the twenty fifth Day of October in the Twenty fourth Year of his Lordships Dominion Annoq Dom. 1738.

Present

His Excellency Samuel Ogle Esqr Governor

The honble { Benjamin Tasker Esqr, Philip Lee Esqr, Edmund Jenings Esqr } James Holliday Esqr, Col. Cha. Hammond, Col. Levin Gale

It appearing to this Board that the Sheriff of Ann Arundel County in summoning and returning the List of Jury Men to

Lib. C. B. last September Assize, and the Clerk of the Assize himself in setting down the Grand Jury folding up and drawing the Ballots of the Petit Jury have been guilty in the Opinion of this Board of great Carelessness and Irregularity, if not Corruption, in their several Duties and are justly lyable to Censure.

It is therefore the humble Request of this Board to his Excellency that he be pleased to censure them accordingly.

p. 11 At a Council held at the house of his Excellency the Governor in the City of Annapolis on Monday the twenty seventh day of November in the Twenty fourth Year of his Lordships Dominion Annoq Dom 1738.

Present

His Excellency Samuel Ogle Esq^{r} Governor

The hon$\bar{b}$le { Col. Matt^{w} Tilg^{n} Ward, Benjamin Tasker Esq^{r}, Philip Lee Esq^{r} } { George Plater Esq^{r}, Edmund Jenings Esq^{r}, Col Charles Hammond }

Read the Case of the Administratrix of Philemon Lloyd Esq^{r} in the following Words.

The Case of the Administratrix of Philemon Lloyd Esq^{r} deceased late Deputy Secretary of Maryland.

The Secretary of Maryland has a Right to nominate the County Clerks and to a tenth Part of their Fees and Perquisites and hath always taken a Bond at the Appointment of Every new Clerk payable to the King or the Lord Proprietary with Condition that the Clerk should faithfully discharge his Duty and pay the tenths yearly to the Secretary and render him an Account upon Oath of the Fees and Profits.

James Knowles was appointed by M^{r} Lloyd to be Clerk of Queen Anns County who past a Bond in usual Form in two hundred Pounds Penalty wherein Major John Hawkins and William Turlo deceased were Sureties, and continued Clerk 'till the Time of his Death, and was very negligent in the Office and neither rendered any Account of the fees or paid any Part of the Tenths to M^{r} Lloyd.

p. 12 M^{r} Lloyd petitioned the late Governor & Chancellor for an Assignment of the said Knowles's Bond, obtained the same, and commenced an Action thereon against Col Ernault Hawkins deceased Executor of the said Major Hawkins and obtained Judgm^{t} but died without having issued any Execution or receiving any Satisfaction, and the Judgment remains yet unsatisfied and the Administratrix of M^{r} Lloyd demands the Money of M^{rs} Hawkins the Exec^{r} of Col Arnault Hawkins

who is willing to pay the same provided she can safely pay it, Lib. C. B.
which she is apprehensive she can't, because the Iudgment is
in the Name of the Lord Proprietary

The Administratrix of M^r^ Lloyd being desirous to avoid the least Appearance of opposing his Lordships Interest humbly prays the Opinion or Declaration of his Excellency the Governor in Council that in Regard his Lordship is not personally interested in the said Bond or the Recovery had thereon, she may be at Liberty to proceed at Law for the Recovery thereof without the Imputation of endeavouring to divest his Lordship of anything he has a Right to or opposing his Interest for the Reasons following

1^st^ Because Knowles's Bond is properly an Office Bond & by the constant Usage of the Province sueable at the Instance of any Person apparently injured by the Breach of the Condition thereof his Lordship being in the Nature of a Publick Trustee only so far as he is not personally interested

2^d^ That the Bond appears by the Condition of it, to have been taken more particularly to secure the Payment of the Tenths due to the Secretary than for any other Purpose, and for which Tenths the Secretary could not even in the Life Time of Kowles have had any other Remedy but by suing this Bond whereas any other Person injured by him (Knowles) p. 13
might have brought his Action for Reparation

3^d^ That M^r^ Lloyd appears judicially by suing the Bond & recovering Judgment thereon to have been injured by the Nonperformance of the Condition of it, and as the Bond appears plainly to have been taken more particularly for M^r^ Lloyds Benefit and Security than any Bodys else, that he was at the Expence of commencing an Action, and recovering Judgm^t^ so 'tis humbly hoped his Administratrix shall be at Liberty to take a legal Course for recovering the Money without any Imputation of contending with the R^t^ Hon̄ble the Lord Proprietary.

It not appearing to this Board that the Right hon̄ble the Lord Proprietary is personally interested in the said Bond or the Recovery had thereon; It is therefore the Opinion of this Board that the Administratrix be at Liberty to take a legal Course for the Recovery of the Penalty mentioned therein.

Whereas it is represented to this Board that on Executions or Condemnations for Money several Sheriffs of this Province have charged their Fees in Tobacco at One Penny p̄ pound for the Money executed for or condemned which is a great hardship upon the People; for Reformation whereof It is this Day ordered that for the future no Sheriff shall presume to

Lib. C. B. take more Fees on Executions or Condemnations than at the
p. 14 Rate of Ten ꝑ Cent for the first five Pounds and five ꝑ Cent for the Residue in the same Species the Executions or Condemnations shall be

His Excellency acquaints the Board that he has nothing of Moment to lay before the Assembly which pursuant to the Writts of Election was to have met on the 8th of December next, and desires their Advice to what Time to prorogue the same, who are of Opinion that the first Tuesday in May next being the first Day of the same Month is the most convenient Time, to which Time his Excellency is pleased to order that the same be prorogued and that Proclamations issue accordingly, which issued in the usual Manner

Mr Attorney General produces to this Board a Draught by him prepared of a Commission for a President of the Council in pursuance of his Lordships Instructions to his Excellency the Governor bearing Date 12th of October 1737 which being read and approved of is as follows

Maryland ss.

Samuel Ogle Esqr Governor of Maryland
To all to whom these Presents shall come Greeting.

Whereas the Right Honourable the Lord Proprietary in Order to settle the Administration of the Government of this Province and to prevent all Inconveniencies and Disputes concerning the same in Case of my Disability or Death by his Lordships Instructions bearing Date in London the twelfth Day of October One thousand seven hundred and thirty seven hath signified his Will & Pleasure to me, that I should cause a Commission to be drawn out & should insert in such Commission the Name of such Person as I should judge most for the Interest of this Province who in Case of my Disability or Death should act as President of the Council in such Cases as hath been accustomed until some Person should be sent duely
p. 15 qualifyed to supersede him

Now Know ye that I the said Samuel Ogle reposing special Trust and Confidence in, and having had long and sufficient Knowledge and Experience of the Ability and Integrity of the honourable and of his Attachment to the Person of the Lord Proprietary and the joynt Interest of his Lordship and this Province Have nominated constituted commissioned and appointed and by these Presents do nominate constitute commission and appoint the said to be President of his Lordships Council of State within this Province with full and ample Power and Authority in Case of my Death or Disability to take upon himself the Administration of the

Governm[t] of this Province and the same to exercise in as full Lib. C. B.
and ample Manner to all Intents and Purposes as any President hath heretofore done in the Absence of a Governor, and to have and enjoy all Rights Priviledges Immunities Superiorities and Advantages of Every Nature and Quality as any President of the Council hath had or by Law ought to have although not herein specially mentioned Provided always that the said shall take the respective Oaths to the Government and qualify himself in all other Respects according to Law before he enters upon the Execution of his said Office To have and enjoy the said Office with all Rights Priviledges Immunities Superiorities and Advantages thereunto belonging until some Other Person shall be sent duely qualified to supersede him In Testimony whereof I have hereunto set my Hand and caused the Great Seal of this Province to be affixed this Day of in the Twenty fourth Year of his Lordships Dominion Anno Domini One thousand Seven hundred and Thirty Eight

His Excellency is pleased to lay before the Board the follow- p. 16
ing Letter directed to him from the Vestry of Christ Church Parish in Queen Anns County.

May it please Your Excellency

We the Vestry of Christ Church Parish in Queen Anns County have thought it Our Duty to inform Your Excellency of the State of the Parish aforesaid as to the Church and Glebe, as also the Amount of the forty Pounds of Tobacco ꝑ Pole in the said Parish

The Church is of Brick twenty five feet wide and forty feet long, the Altar and Stairs want repairing, with some other small Repairs; The Glebe has a new Dwelling House half finished, One Tobacco house, and One old House almost useless

The Amount of the forty Pounds Tobacco ꝑ Pole for the Year 1738 is fifteen thousand four hundred and Eighty

And lastly We humbly beg Leave to present to Your Excell[y] M[r] Ralph Elstone the Bearer a sober and discreet Person for a Reader in the Parish Church af[d] which We most humbly beg your Excellency to license for the Office af[d]

Signed ꝑ Order

14 Novem. 1738. Matthew Browne Clk

Which Representation being read It is the humble Advice of this Board to his Excellency that he be pleased to license the said Ralph Elstone as Reader in the af[d] Parish; and

Lib. C. B. License by his Excellencys Directions accordingly issued in the following Words.

Maryland ss.

Samuel Ogle Esq^r Lieutenant Governor and Ordinary under the Right honourable the Lord Proprietary of this Province To Ralph Elston of Christ Church Parish in Queen Anns
p. 17 County Sendeth Greeting Whereas the Vestry of the said Parish have represented to me that there is not any Minister in the said Parish, and have also presented to me You the said Ralph Elstone as a sober and discreet Person to be a Reader in the said Parish Therefore for the performing the Duty and Office of a Reader in the said Parish in reading Divine Service Homilies and such other Good Authors of Practical Divinity as shall be appointed in the Church or Chappel of the s^d Parish, and not in any other Manner (having first taken the Oaths subscribing the Test and Abjuration) and also demeaning your Self according to the Liturgy of the Church of England I do by these Presents grant License and Faculty to you the said Ralph Elstone to be such Reader to continue during Pleasure & during such Continuance to have take and receive from the Vestry of the said Parish One half of the forty pounds of Tobacco p Poll growing due from the Inhabitants of the said Parish In Testimony whereof I have hereunto set my Hand and Seal this 27^th Day of November in the twenty fourth year of his Lordships Dominion Annoq Domini 1738.

The Attorney General pursuant to a former Order of this Board of the 18^th of October last makes Report that having considered the Indictment and other Process against Negro in Calvert County Court, he finds the same to be regular; and it appearing to this Board that the af^d Negro is a notorious Offender, His Excellency is therefore pleased to order with the Advice of this Board that a Warrant issue for his Execution

p. 18 At a Council held at the house of his Excellency the Governor in the City of Annapolis on Wednesday the 14^th Day of February in the twenty fourth Year of his Lordships Dominion Annoq Dni 1738

Present

His Excellency Samuel Ogle Esq^r Governor

The honourable { Benjamin Tasker Esq^r
Edmund Jenings Esq^r
Col Charles Hammond

His Excellency having communicated to this Board the Report of M^rs^ Robert Gordon Benjamin Young and William Rogers, who, by Virtue of a special Commission of Oyer and Terminer and Goal Delivery for the County of Ann Arundel, had passed Sentence of Death upon One Ralph Jones and Negro Isaac the Slave of James Mouall for a Burglary and Robbery by them committed; & that they also passed Sentence of Death upon Negro Jack the slave of John Norris for a Murder by him committed; and it appearing to this Board by the Return of the said Justices that the said Negro Isaac had bore a good Character and was a real Object of Compassion & as such recommended by them to his Excellencys Mercy; It is therefore the humble Advice of this Board to his Excellency, that he would be pleased to grant a Pardon to the said Negro Isaac; and forasmuch as the said Ralph Jones is a notorious Offender, and the Crime of which Negro Jack was convict being Murder, It is the Advice of this Board that his Excellency be pleased to order Warrants to issue for their Execution; which Pardon and Warrants his Excell^y^ ordered accordingly. Lib. C. B.

At a Council held at the Governors house in the City of Annapolis on Tuesday the 20^th^ Day of February in the twenty fourth Year of his Ldps Dominion Annoq Domini 1738. p. 19

Present

His Excellency Samuel Ogle Esq^r^ Governor

The honourable { Benjamin Tasker Esq^r^, George Plater Esq^r^, Edmund Jenings Esq^r^ } { James Hollyday Esq^r^, Col^o^ Charles Hammond }

His Excellency lays before this Board the Representation of Daniel Dulany Esq^r^ which follows in these Words

To his Excellency the Governor in Council

The Representation of Daniel Dulany Esq^r^ Comissary Gen^l^

Humbly Sheweth

That the said Comissary appointed Humphry Wells Stokes of Baltimore County Gent to be Deputy Comissary of that County, and was in hopes that the said Stokes who (as all other Deputies) had full and plain Instructions would have executed the said Office carefully and justly; But the said Comissary on the 16^th^ of this Instant was informed that the said Stokes granted Admin^r^ on the Estate of One Jacob

Lib. C. B. Morris late of the said County dec'd (who left a Child or Children under age) to One John Regan a Man of no Substance without taking any kind of Security, by Colour of which Administration the said Regan possessed himself of and wasted the little Estate which belonged to the said Morris

That the said Comry having so very lately received the said Information has not yet had Time to enquire into the Truth of it, but intends to do it as soon as possible, and to that End writ to the said Stokes on the said 16th Instant.

p. 20 The said Commissary humbly prays the Directions of Your Excellency and the honble Council in this Affair, either to put the said Stokes's Office Bond in Suit, in Case the Fact shall appear on Examination into it to be as 'tis represented, unless he the said Stokes will immediately give sufficient Security to indemnify the Orphan or Orphans of the deceased or to take such Measures as shall be thought necessary to secure the Interest of the said Orphan or Orphans

D Dulany Comry
febry 20. 1738.

Upon reading the said Representation It is the Opinion of this Board that the Consideration thereof be postponed until Mr Dulany has made the further Enquiry he intends

His Excellency communicates to this Board the following Complaint made to him by Mr Samuel Smith.

To his Excellency Samuel Ogle Esqr Governor of Maryland

The Complaint of Samuel Smith One of his Ldps Justices of the Peace for the County of Ann Arundel

Most humbly Sheweth

That not long since Mr Thomas Norris made a Complaint to your Complainant as a Magistrate against a Negro of Mr Samuel Chews setting forth, that the said Negro did in a most violent inhumane & barbarous Manner assault wound and beat, a Negro Woman of his the said Norris's so that of her Life it was despaired: Upon which Complaint your Compl^{t} issued his Warrant against the said Negro, notwithstanding which the said Chew stood in Contempt and skreened his Negro from Justice until the said Norris applyed himself unto Mr Dulany, who in a friendly and amicable Manner writ to the said Chew informing him of the Danger of such Behaviour,

p. 21 and with all advising him immediately to bring his said Negro to Justice, upon which Caution and Advice the said Chew suffered his said Negro to appear before Your Complainant

In some short Time after the above Affair Mr Jerome Plummer made another Complaint to Your Complainant agt three of the said Chews Negroes, setting forth that they had stolen a Parcel of Turkeys from him, whereupon Your Complainant issued his Warrant against the said Negroes, and the Constable in the Execution of his Office applyed himself to the said Chew acquainting him that he had a Warrant against three of his Negroes, upon which the said Chew demanded a Sight of his Warrant, the Constable not mistrusting the said Chews Design shewed it to him, and immediately he put it in his Pockett, and would not afterwards deliver it, nor suffer the Constable to apprehend his Negro's telling the Constable they should never appear before Your Complainant: Your Complainant humbly conceives that these and such like Behaviours are bold & daring Contempts of Authority, which if not timely prevented by Your Excellency (who has the only Right to interpose) must and will be attended with dangerous Consequences, the dreadful Effects of which Your Complainant hopes will be prevented by your Excys timely Interposition, and Your Complainant as in Duty bound will pray Lib. C. B.

Sam Smith

24th Janry 1738/9

Messrs { Anthony Gott, Thomas Wells, Jno Bickerton } are Gentlemen who can prove the Truth of the within Complaint

Ordered that the Clerk of this Board send Mr Chew a Copy of the said Petition, and give him Notice, if he has any thing to alledge in his Justification, to attend this Board on Thursday next And It is likewise Ordered Mr Smith have Notice to attend at the same Time p. 22

At a Council held at the House of his Excellency the Governor in the City of Annapolis on Thursday the 22d of February in the twenty fourth year of his Lordps Dominion Annoq Domini 1738.

Present

His Excellency Samuel Ogle Esqr Governor

The Honble { Benjamin Tasker Esqr, George Plater Esqr, Edmund Jenings Esqr } { James Hollyday Esqr, Col Char. Hammond, Col Levin Gale }

Mr Samuel Chew and Mr Samuel Smith appearing according to Order of this Board of the 20th Instant Mr Chew presents to this Board his Answer to the Complaint preferred agt him by Mr Smith in the words following.

Lib. C. B. To His Excellency the Governor in Council

May it please Your Excellency

The Misfortune of having an Impediment in my Speech makes me choose to give my Answer in Writing than otherwise to M^r^ Smiths Complaint, wherein I shall be far from denying the Truth or justifying my own Conduct, what is mentioned in the Begining of the Complaint with Regard to the Assault committed by my Negro on Thomas Norris's Negro is very true, as it is that M^r^ Dulany wrote a kindly and friendly Letter to me as mentioned, upon the Receipt of which I immediately ordered the Negro to appear before M^r^ Smith who I dont question discharged his Duty as a Magistrate

p. 23 I also acknowledge on the Complaint of Jerome Plummer against some of my Negroes for stealing some Turkeys from him, M^r^ Smith issued his Warrant, and that the Constable came to my House & shewed it to me, upon which I told him that the Negroes were not at One Quarter, and that I would take Care they should appear before M^r^ Smith the Ensuing Tuesday at the Church, where I understood a Vestry was held, and that M^r^ Smith would be there as being Clerk of the Vestry and accordingly I caused the Negroes to go thither, but M^r^ Smith happened not to be there, and it was almost Night and very cold and One of the Negroes barefoot, and the rest very thinly clad, and therefore I ordered them home; I likewise acknowledge I put the Warrant in my Pockett, but I declare it was not with design to keep it, and that I intended to return it to the Constable, but he went away unknown to me, and I sent it him early next Morning by Virtue of which Warrant the same Constable afterwards apprehended the Slaves and carryed them before Mr. Smith, who ordered them to be corrected according to Law.

This is really the Truth, and I protest I had not the least Intention of contemning Authority, and that what I did was not the Effect of any personal Prejudice or Disregard to M^r^ Smith but entirely occasioned by Want of considering the Thing, as I ought to have done, upon the whole I submit to Your Excellencys Determination, and humbly hope for your Pardon & Indulgence for what is past for which I hope my future Conduct (which I intend shall be blameless and inoffensive) will attone

Sam Chew

It appearing to this Board that the said Samuel Chew had been guilty of a great Offence in the Obstruction of Justice, It is therefore Ordered by this Board that the Attorney General

prosecute the said Mr Chew for such his Offence; And It is Lib. C. B.
the humble Advice of this Board to his Excellency that upon p. 24
his Mr Chews making public Submission in the Court where such Prosecution is had against him His Excellency be pleased to grant a Note prosequi thereon

Upon the Application of the honourable Levin Gale Esqr Iudge of the Land Office to this Board for their Approbation of his Removal of the Records belonging to the said Office from the Stadt house wherein they are now lodged to the Repository built in this City for the safe keeping the Records of this Province; the Offices in the said Stadt house being at this time repairing, and which Records should they be continued therein, might be very much injured, and be of great Disadvantage to the People of this Province; It is therefore the Opinion of this Board that such Removal thereof be very adviseable

Upon the Application of the honourable Edmund Jenings Esqr Secretary of this Province, to this Board for their Approbation of his Removal of the Records belonging to the Secretarys Office from the Stadt house wherein they are now lodged to the Repository built in this City for the safe keeping the Records of this Province, the Offices in the said Stadt house being at this time repairing, & which Records should they be continued therein, might be very much injured and be of great Disadvantage to the People of this Province; It is therefore the Opinion of this Board that such Removal thereof be very advisable.

Read the Petition of William Govane preferred to this Board in the following Words.

To His Excellency Samuel Ogle Esqr Governor of Maryland and the honourable the Members of his Lordships Council

The humble Petition of William Govane of Baltimore p. 25
County Merchant

Humbly Sheweth.

That your petitioner sometime in August last was Arrested by virtue of the Warrant of Richard Caswell Gentleman one of his Lordships Justices of the Peace for the County of Baltimore at the Suit of Aquilla Paca Gentleman another of his lordships Justices of the Peace for the same County for the Sum of 454½ pounds of Tobacco pretended to be due to the said Paca from your Petitioner and thereupon Carried before the said Caswell. That the said Paca produced no other Evidence to make Good his Charge Against your petitioner

Lib. C. B. than an Account dated the 10th & 11th of August 1738 for the ½ Commission for the receiving 17363 pounds of Tobacco signed by the said Paca which Account your petitioner is ready to produce and to which he begs leave to refer himself that it then appeared before the said Caswell that the only Claim the said Paca had against your petitioner was for ½ the ½ Commission which your Petitioner was to have for the Receiving the aforesaid Sum of 17363 pounds of Tobacco which your petitioner agreed to pay to the said Paca which was to be in Current Money at the rate of 4 Shillings ꝑ hhd for the whole Commission and that the said Paca so understood the said Agreement before he went to receive One Pound of the said Tobacco and that after he had received it and before the issuing of the aforesaid warrant he Consented to take forty Shillings Current Money in full Satisfaction for the same and did Actually receive of your Petitioner 34 Shillings in part of Payment thereof and refused the Remainder which was tendred to him by your petitioner in two Bills of Credit Amounting to Six Shillings and Six pence all which particulars were Confessed and Acknowledged to be true before the said Caswell by the said Paca himself in the presence of several indifferent Persons who are now ready to prove the same Notwithstand-
p. 26 ing all which the said Caswell proceeded to Give Judgment upon the aforesaid Account against your Petitioner for 434 pounds of Tobacco thereabouts

Whereupon your petitioner to prevent the trouble & Expence of being taken in Execution upon the said Iudgment thus wrongfully rendered against him offered to pay to the said Paca the aforesaid 434 pounds of Tobacco or thereabouts According to the said Judgment in the hands of the Reverend Mr Cauthorn there-present who told the said Paca that he owed it to your petitioner and believed that he had that quantity ready in his hands to pay to him if he or any one would receive it for him or in the hands of the said Caswell who likewise owed your Petitioner a Greater quantity of Tobacco then that the Judgment was rendered for notwithstanding all which your Petitioner was taken in Execution upon the aforesaid Judgment and Actually Confined till he satisfied the same with Costs thereon

All which several Facts your Petitioner is ready to make out by undeniable Testimony at such time and place as your Excellency and Honours shall Appoint and inasmuch as your Petitioner has no Appeal to any of the Courts of Justice for a remedy against the said Judgment and Execution and that such Abitrary Proceedings are of dangerous Consequence to others as well as your petitioner he therefore prays that your Excellency and Honours will be pleased to take the Case into

your Consideration and do therein what to your Great Wisdom shall seem meet Lib. C. B.

And your Petitioner shall ever pray &c[a]

W Govane

Ordered that the Clerk of this Board send Caswall a Copy of the said Petition, and give both Parties Notice to attend with their Witnesses on Friday the fourth of May next, at which time this Board will enter into the Consideration of the said Petition

At a Council held at the House of his Excellency the Governor in the City of Annapolis on Tuesday the 20[th] Day of March in the twenty fourth year of his Lordships Dominion Annoq. Domini 1738 p. 27

Present

His Excellency Samuel Ogle Esq[r] Governor

The honourable { Benjamin Tasker Esq[r], George Plater Esq[r] } { Edmund Jenings Esq[r], Col[o] Charles Hammond }

His Excellency having communicated to this Board a Copy of the Record transmitted him from S[t] Marys County Court signed by several Justices of the said Court of the Conviction of a certain Negro Pompey and Negro Indey two Slaves belonging to the hon̄ble George Plater Esq[r] for conspiring to poyson the Overseer Clerk and Gardiner of the said M[r] Plater; It is the humble Advice of this Board to his Excellency that he be pleased to order Warrants to issue for their Execution on Friday the 30[th] of this Instant March.

At a Council held in the Council Chamber on Friday the 4[th] of May in the twenty fifth Year of his Lordships Dominion Annoq Dom. 1739

Present

His Excellency Samuel Ogle Esq[r] Governor

The honourable { Benjamin Tasker Esq[r], Philip Lee Esq[r], George Plater Esq[r] } { Edmund Jenings Esq[r], James Hollyday Esq[r], Col[o] Charles Hammond }

Mess[rs] Richard Caswall and William Govane appearing this Day with their Evidences according to Summons issued from this Board, and the said William Govane by his Council attending to make good the Allegations of his Petition preferred on 22[d] of february last the said Caswall and Govane were called in, and the Evidences on both sides being examined, and having heard what was said on behalf of the Parties the Judgment of this Board thereon is deferred until another Day. p. 28

Lib. C. B. At a Council held in the Council Chamber on Friday the 18th of May in the twenty fifth year of his Lordships Dominion Annoq Domini 1739.

Present

His Excellency Samuel Ogle Esqr Governor

The honble	Col Matt. Tilghman Ward	Edmund Jenings Esqr
	Benjamin Tasker Esqr	James Hollyday Esqr
	Philip Lee Esqr	Col Levin Gale
	George Plater Esqr	

His Excellency having communicated to this Board the Reports made to him by the Judges of Assize of the Eastern and Western Shoars of the Proceedings in their several Circuits held in April last, And it appearing by the Return of the Justices of the Western Shoar that they had passed Sentence of Death on a certain John Watson of Mary's County for breaking open the Store house of Captn Stoleman & stealing thereout a considerable Quantity of Goods, and that he is a notorious Offender; And it appearing by the Return of the Iustices of the Eastern Shoar that they had passed Sentence of Death on a certain Richard Giant for Murder, and also on a Certain Richard Jackson for burglariously entering the House of a Certain Richard Wells & taking from thence a Knife of the Value of One Shilling, and that he is a Boy about Sixteen Years of Age; It is therefore the humble Advice of this Board to his Excellency that he would be pleased to grant a Pardon to
p. 29 the said Richard Jackson, and that a Warrant might issue for the Execution of the aforesaid John Watson, which Pardon and Warrant his Excellency ordered accordingly and forasmuch as the aforenamed Richard Gyant has broke the Goal of the Sheriff of Queen Anns County and escaped therefrom, that his Excellency be pleased upon his being retaken, to order Warrant to issue for his Execution.

At a Council held in the Council Chamber on Friday the 25th of May in the twenty fifth year of his Lordships Dominion Annoq Domini 1739.

Present

His Excellency Samuel Ogle Esqr Governor

The honble	Col Matt: Tilghman Ward	Edmund Jenings Esqr
	Benjamin Tasker Esqr	James Hollyday Esqr
	Philip Lee Esqr	Col Charles Hammond
	George Plater Esqr	Col Levin Gale

Ordered that His Excellencys Letter to Charles Carrol Esqr Mr Carrol's Answer thereto, and His Excellencys Reply be here entered

25th May 1739 Lib. C. B.

Sir

I understand that many Papers of very great Consequence relating to the Affairs of this Province fell into your Hands at the Death of your Father, who was greatly intrusted by his Lordship in the Managemt of his most important Affairs, which lays me under an Obligation of requiring the Delivery of them either to his Lordships Agent or myself: This, I hope upon Consideration, you will think but very just & reasonable, whatever Reasons you may have had to satisfy yourself with the detaining of them for so long a time

I am Sir

Your most humble Servant

To Charles Carrol Esqr Sam: Ogle

May 27th 1739

Sir

If you or any that gave you to understand that many p. 30
Papers of very great Consequence relating to the Affairs of this Province fell into my Hands at the Death of my Father, will point out such papers and Shew that they are not of as great Consequence to myself as to his Lordship I shall readily deliver them

My Father was greatly intrusted by his Lordship in the Managemt of his most important Affairs and authorized to act for him by Commissions, Instructions, Letters, and perhaps directed in his Conduct by other Papers, Copies of any such I am willing to give you, (as I always shall be to do everything in my Power conducive to his Lordships Interest) if desired, tho' I think they cannot be required

This I imagine is all that can be reasonably expected, and I beg you will be of Opinion I do not detain any Paper's till you specify them and meet a Refusal I am

Sir Your most hble servant

Chas Carroll

To His Excellency
Samuel Ogle Esqr

29th May 1739

Sir

I have received Yours of the 27th Instant, and am very far from desiring You to deliver up any Papers of Consequence to Your self, but only such as relate wholly to his Lordships Affairs, and sure both Justice and Honour require this at your Hands in the strongest manner.

As to your Desire of my pointing out to you the particular Papers that are of Consequence to his Lordship, and not of as

Lib. C. B. great Consequence to Your self, it must certainly upon Reflection seem Something out of the Way even to Your self, who alone can have an Opportunity of looking over your own Papers and separating those of this sort from the rest: You Your Self mention Commissions, Instructions Letters and Other Papers directing your Father in his Conduct, and I may
p. 31 add, Opinions of Lawyers upon stated Cases, and Reports of the Board of Trade, and Determinations of the Privy Council, before whom I find some of the Disputes now raised afresh were formerly laid for their Consideration; many of these Papers, as may be presumed from the subject Matter of them, being of no Service to you, I hope you will make no Difficulty of parting with the Originals of them, and such as are connected with Business of your own, I shall desire no more of than Copies of so much of them, as may be judged conducive to his Ldps Service, upon which Subjects I shall desire his Lordships Agent to speak with you more particularly than can be done by Letter: I can truly assure you that it is not my Intention to desire any thing in this Affair but what may be thought just and reasonable by every candid and impartial Gentleman, and I hope that you will think it very reasonable to comply with

I am

Sir. Your most obedient humble Servant

To Charles Carrol Esq^{r} Sam : Ogle

At a Council held in the Council Chamber on Saturday the 2^{d} Day of June in the twenty fifth Year of his Lordships Dominion Annoq Dni 1739.

Present

His Excellency Samuel Ogle Esq^{r} Governor

The honourable	Benjamin Tasker Esq^{r}	James Hollyday Esq^{r}
	Philip Lee Esq^{r}	Col^{l} Charles Hammond
	George Plater Esq^{r}	Col^{l} Levin Gale
	Edmund Jennings Esq^{r}	

His Excellency acquaints this Board that he has nominated James Harris Esq^{r} a Member of his Lordships hon̄ble Council, and that he hath also nominated Samuel Chamberlain Esq^{r} a Member of his Lordships honourable Council, and that the said James Harris now attends in Order to be qualified

p. 32 Whereupon the said James Harris takes the several Oaths to the Government appointed to be taken by Act of Assembly and likewise the Oath of a Councillor, and subscribes the Oath of Abjuration and Test and takes his Place at the Board accordingly.

At a Council held in the Council Chamber on Monday the 11th of June in the twenty fifth year of his Lordships Dominion Annoq Dni. 1739 Lib. C. B.

Present

His Excellency Samuel Ogle Esqr Governor

The hon̄ble { Benjamin Tasker Esqr, Philip Lee Esqr, George Plater Esqr, Edmund Jenings Esqr, James Hollyday Esqr, Coł Charles Hammond, Coł Levin Gale, James Harris Esqr }

Ordered that the Clerk of this Board draw an Order on Col Charles Hammond Treasurer of the Western Shoar payable to Mr Onorio Razolini or Order for forty Pounds Sterling being his years Salary as Armourer of this Province ending the 4th Instant, to be paid out of the Money arising by the Duty of 3d p hhd for Arms

At a Council held in the House of his Excellency the Governor in the City of Annapolis on Tuesday the 31st of July in the twenty fifth year of his Lordships Dominion Annoq Domini 1739

Present

His Excellency Samuel Ogle Esqr Governor

The hon̄ble { Benjamin Tasker Esqr, Philip Lee Esqr, George Plater Esqr, Edmund Jenings Esqr, James Hollyday Esqr, Col Charles Hammond, Col Levin Gale, James Harris Esqr }

Ordered that the Clerk of this Board procure the Attorney Generals Opinion in Writing relating to the following Case

An Assembly was convened the first Day of May Anno Domini 1739 which sat until the 12th Day of June following when it was prorogued p. 33

After the Prorogation and during the Interval of Assembly Two Lres of which the annexed are Copies were sent to the Judge of the Land Office and Secretary

Also a Letter was signed S: Bordley of which the Copy is annexed to the Deputy Clerk of the Assembly Office, who delivered the Key mentioned in that Letter, in Pursuance of such Letter to S: Bordley, who by that Means had Admission in the Absence of the Deputy Clerk of the Assembly Office, into such Office.

Whether any Members of a Lower House of Assembly can legally assume any Authority or act as a Committee of that House after a Prorogation, and during the Interval of Assembly by Virtue of any Order made by such House

Lib. C. B. Whether the writing such Letters is such an Assuming an illegal Authority, or such an Acting as to render the Persons lyable to any and what criminal Prosecution at Law.

May it please Your Excellency.

In Obedience to Your Excellencys and the Hon̄ble Councils Commands signifyed to me by M^{r} Ross: I have considered the within Case

As to the first Question; I conceive that no Members of the Lower House of Assembly can legally assume any Authority, or act as a Committee of that House after a Prorogation, and during the Interval of the Assembly, by Virtue of any Order of the said House; because all the Orders thereof determine by a Prorogation

The second Question can't be resolved by any Book Case that I can recollect, but I think there are some to which it may be compared, Viz. Where an Officer by Virtue of an Order of Either House of Parliament, takes a Person into Custody after a Prorogation (as was the Case of Pritchard in Raymond 120) or keeps a Man in Custody after the Prorogation, who
p. 34 was committed during the sitting of the Parliament. The Party may be discharged, but I never (that I remember) met with an Instance of any Prosecution either Criminal or Civil against any Officer in either of these Cases, tho' both have frequently happened: Besides as the Governments of the Plantations are dependent on the Crown, and that the Dernier Resort of the Inhabitants is to the King in Council, so in Case of any Application or Complaint to His Majesty, the Person or Persons complaining may lawfully apply for Copies of Records or Other Papers, which he or they may apprehend to be necessary to support such Complaint

In this Case under Consideration, the Persons who wrote the Letters act as under an Authority, which Authority, I conceive, has no Existence, and that therefore what they do, is to be considered as done by private Persons; and although they have demanded Copies, without paying or engaging to pay the Fees, which Demand I think no Officer is obliged to comply with (and which Copies they may certainly demand and ought to have on Payment of the fees) yet I don't think the barely making such Demand, tho' by Pretence of an Authority, will subject them to a Criminal Prosecution of any kind; for I conceive that the doing of a thing which is prejudicial to the Publick or to some private Person by Pretence of Authority, which could not be done without Authority, is what makes the Crime; All which is humbly submitted

Dan^{l} Dulany

the following are the Letters mentioned in the aforegoing Case. Lib. C. B.

At a Council held in the Council Chamber on Wednesday the first Day of August in the twenty fifth year of his Lordships Dominion Annoq Domini 1739.

Present p. 35

His Excellency Samuel Ogle Esq[r] Governor

The honourable { Col Matt. Tilghman Ward, Benjamin Tasker Esq[r], Philip Lee Esq[r], George Plater Esq[r], Edmund Jenings Esq[r], James Hollyday Esq[r], Col[o] Charles Hammond, Col[o] Levin Gale, James Harris Esq[r] }

The Secretary and Judge of the Land Office laid before the Board the several following Letters

Sir

The following are (among several others) Resolves and Orders of the House of Delegates of the Province of Maryland dated June the 9[th] 1739. Viz.

"And forasmuch as it will be necessary for carrying on the "said Addresses in Great Britain to send thither several "Copies of Records from this Province and other necessary Papers It is therefore Ordered by this House that M[r] James Calder Doctor Charles Carrol M[r] Vachel Denton Capt[n] Thomas Gassaway M[r] Philip Hammond Major Edward Sprigg M[r] Turnor Wootton M[r] Osborn Sprigg and M[r] John Magruder Members of this House or any two of them do prepare with all possible Dispatch authentick Copies of all such Matters they or any two of them shall think necessary for said Purposes.

Ordered that the Members of this House appointed to negotiate the aforegoing Affairs, they or the Major Part or any Two of them apply to the several Officers and Offices of this Province and demand and take on the Publick Account authentick Copies of any Acts of Assembly Conditions of Plantation or other Matters or Papers whatsoever that to the said Members the Major Part or any Two of them shall seem necessary and requisite to be transmitted to Great Britain for the Service of this Province and that the said Members as a Committee of this House employ a Clerk.

In pursuance of and Obedience to the aforegoing Orders We the Subscribers two of the Members appointed desire that p. 36 you will give Orders that Stephen Bordley the Clerk of the said Committee be permitted to take from the Provincial Records authentick Copies of the following Acts of Assembly

Lib. C. B. and his Excellency the present Governors Commission dated 27th day of June 1733, as also any other Acts Records or Papers of the same Office which from time to time he shall be ordered to take by the said Committee or any Two of them for the Use and on Account of the Publick: But if you do not agree that Our said Clerk shall take such Copies We desire you will give immediate Orders to Your Deputy Clerk of the Provincial Court to make them out or any other Records or Papers of, or belonging to, the said Office, which from time to time the said Committee any Two of them shall [order] under their hands for the Use and on Account, of the Publick

Your Deputy Mr Ghiselin having told Us that you had given him Orders that no Copies should be delivered to the Committee of the House without being paid for the same We therefore desire the favour to have your Answer to these Our Request in Writing

We are with due Regard Sir

Your most humble Servants

Annapolis 11th July 1739. C Carroll

V Denton

An Act made in 1671 Entituled an Act for the raising and providing a Support for his Lordship the Lord and Proprietary of this Province during his Natural Life, and likewise a Supply towards the defraying the Publick Charges of Government

An Act made in 1674 Entituled an Act of Gratitude to his Excellency Charles Calvert, Esqr Captain General of Maryland

An Act made in 1676 Entituled an Act for continuing the Payment of the Imposition of Two Shillings p hogshead during the Life of the honourable Cecilius Calvert Esqr Son and Heir of the Right Hon̄ble Charles Absolute Lord and Proprietary of the Provinces of Maryland & Avalon &c in Case he survives his Lordship

An Act made in 1692 Entituled an Act for the Settlement of an Annual Revenue upon their Majesties Governor within this Province for the time being.

p. 37 An Act made in 1704 Entituled an Act for Settlement of an Annual Revenue upon Her Majestys Governor within this Province for the time being.

An Act made in 1715 Entituled an Act ascertaining the Gauge and Tare of Tobacco hogsheads and to prevent cropping and defacing Tobacco taken on Board Ships or Vessels upon Freight and for laying Impositions on Tobacco p the hhd for the Support of Government and the encouraging Settlements in this Province by ascertaining the manner of paying the Alienation fines and Quit Rents to the Lord Proprietary of this Province on the Conditions therein mentioned.

An Act made in 1716 Entituled an Act ascertaining the Gauge and Tare of Tobacco hogsheads and to prevent cutting cropping and defacing Tobacco taken on Board Ships or Vessels upon Freight and for laying Impositions on Tobacco ꝑ the hhd for the Support of Government, and for the encouraging Settlements in this Province by ascertaining the Manner of paying his Lordships Alienation Fines and Quit Rents for the Term therein proposed and for taking off the three Pence ꝑ hhd formerly raised for the Publick Charge Lib. C. B.

To Edmund Jenings Esqr Secretary of Maryland. This

Gentlemen

I had before given Orders and have now repealed the same to Mr Ghiselin Chief Clerk of the Provincial Court (by whom I send this) to let Both or Either of You have what Copies you may be pleased to send for out of the Provincial Court Office upon either of your Promises to pay the fees for the same as other Gentlemen do

I am Gentlemen

Your most humble Servant

To Doctor Carrol & Mr Denton E: I:

The above was sent ꝑ Ghiselin 11 July 1739.

By the Lower House of Assembly 4th June 1739 p. 38

It being moved that several Iournals of the Lower House of Assembly are missing in the Assembly Office, several Journals of Accounts Treasurers Accounts and other Proceedings of the Lower House that ought to be lodged in the Assembly Office Ordered that Mr Vachel Denton & Doct: Charles Carrol make an Enquiry where the same are lodged, and collect the same and make Report thereof to the House next Session and that they likewise obtain authentick Copies of all other Papers they shall have Occasion of for the Use of the Publick, and that they employ a Clerk to attend them for the said Purposes

True Copy Test W Ghiselin Cl Assist. to Cl Lott

Annapolis 23d July 1739

Sir

In pursuance of and Obedience to the foregoing Order We request you will direct your Deputy Clerk of the Provincial Court to lay before us in the Office of the said Court, or wherever else lodged under his Care, any of the Journals of the Lower House of Assembly Iournals of Accounts Treasurers

Lib. C. B. Accounts or Other Proceedings of the Lower House thereby to enable Us to take an Account of them, and make the Report as ordered.

We do also in pursuance of and Obedience to the foregoing Order of the honourable the Lower House of Assembly request you will give directions to your said Clerk of the Provincial Court to make out authentick Copies of all such Acts of Assembly Entries or Papers as are recorded in the said Office, and which he shall be directed to do under Our Hands for the Use and on Account of the Publick of the Province of Maryland, We desire the favour of your Answer in Writing and are with all due Respect Sir

Your most humble & obedient Servants

To Edmund Jenings Esq[r] C. Carroll
Secretary of Maryland. This V. Denton

Gentlemen

I have not been able since the Receipt on the 24[th] Instant
p. 39 of Yours of the 23[d] to satisfy myself in any other Answer I ought to give to it, than what I made to yours of the 11[th] Instant without being first informed by you whether I am to consider you now acting in a private Capacity or in any and what publick Character.

Whenever you may be pleased to favour me with an Explanation on this Point I hope to give you a suitable Answer to the several Particulars in your Letter

I am with all due Respect Gent

Your most humble & obedient Servants

Annapolis E: I:
26 July 1739

To Doctor Carrol & M[r] Denton. by my Nephew

Annapolis 26[th] July 1739

Sir

We have been favoured with yours of this Date and are not inclined to enter into any Dispute with you on the Occasion: If you shall be pleased to comply with Our Request made in Our former of the 23[d] Instant which we sent in Obedience to the Order of the honourable the House of Delegates of the Province of Maryland We shall do our Duty so far as We are able therein if not, we must make Our Report accordingly

We act by Virtue of that Order whereof You have had a Copy in Our last; as to any particular Denomination or Character, under which we act in this Affair, We refer that to you to give

Your next (if you favour us with any) will conclude Us on the Subject and are with great Respect Lib. C. B.

Sir Your most Obedient humble Servants

To Edmund Jenings Esq[r] C Carroll
Secretary of Maryland V. Denton
This

The following are among several Others, Resolves & Orders of the House of Delegates of the Province of Maryland dated June the 9[th] 1739 Viz.

"And forasmuch as it will be necessary for carrying on the said Addresses in Great Britain to send thither several Copies of Records from this Province and other necessary Papers It is therefore ordered by this House that M[r] James Calder Doctor Charles Carrol M[r] Vachel Denton Capt[n] Thomas Gassaway M[r] Philip Hammond Major Edward Sprigg M[r] p. 40 Turnor Wootton M[r] Osborn Sprigg and M[r] John Magruder Members of this House or any Two of them do prepare with all possible Dispatch Authentick Copies of all such Matters they or any Two of them shall think necessary for said Purposes

Ordered that the Members of this House appointed to negotiate the aforegoing Affairs They or the Major Part or any Two of them apply to the several Officers and Offices of this Province and demand and take on the Publick Account Authentick Copies of any Acts of Assembly Conditions of Plantation or other Matter or Papers whatsoever that to the said Members the Major Part or any Two of them shall seem necessary and requisite to be transmitted to Great Britain for the Service of this Province, and that the said Members as a Committee of this House employ a Clerk

Sir

In pursuance of, and Obedience to, the foregoing Orders we desire You will immediately and without Loss of Time make out authentick Copies of such of his Lordship the Right honourable the Lord Proprietarys Conditions of Plantations from the first Settlement of this Province to this Time as are lodged in the Office whereof you are Clerk on the Publick Account of this Province according to the Tenor of the foregoing Orders

We are Sir
Your humble Servants

Annapolis 29 June 1739 C Carroll
V. Denton

To M[r] Griffith Beddoe Clerk of the Land Office. This

Lib. C. B. Sir

We sent a Letter, whereof the above is a Copy, to your Deputy Clerk of the Land Office and received from him the following Answer Viz.

Gentlemen

In Answer to Yours of the 29th of June last, that I have no particular Instructions from Col Gale who is my Employer to deliver or let your Clerk take any such Copies as you therein demand, he is expected in Town this Week, the farthest at the Provincial Court, as soon as he comes, shall acquaint him with Your Demands & according to his Directions shall do everything in the Power of Gentn

Your most humble Servant
G. Beddoe

5th July 1739. To Dr Chs Carrol & Mr Vachel Denton. These

p. 41 Not having a Line from you on the Occasion We do in Pursuance of, and Obedience to, the foregoing Orders desire you will give Directions to your Deputy Clerk of the Land Office to make out Authentick Copies of their Lordships the Lords Proprietaries Conditions of Plantations from the first Settlement of this Province to this Time as are recorded in the Land Office or such of them or any other Records or Papers of the said Office which the sd Committee or any Two of them shall order under their Hands for the Use and on Account of the Publick

If your Clerk cannot be spared to make out such Copies We desire you will permit Stephen Bordley Clerk of the Committee afd appointed to take the same

We request the favour of your Answer hereto in Writing and are with much Esteem Sir

Your most Obedient Servants
Annapolis 12 July 1739 — C Carroll
To Levin Gale Esqr — V Denton
These

Gentlemen

I received Yours this Day by Mr Stephen Bordley and have given Orders to the Chief Clerk of the Land Office without delay to make out Authentick Copies of all Records in that Office that any of your Committee shall order and engage to pay the usual Fees for

I am obliged to you for Your Offer to let Mr Bordley make the Copies you want, but there is so little Business in the Land Office that the Chief Clerk and his Two Assistants may

generally be employed to make the Copies any of your Committee shall order and engage to pay the fees for Lib. C. B.

I am Gentlemen—Your humble Servant

Annapolis Levin Gale

13 July 1739

To Dr Chs Carrol & Mr V. Denton

These

By the Lower House of Assembly 4th June 1739

It being moved that several Iournals of the Lower House of Assembly are missing in the Assembly Office several Journals of Accounts Treasurers Accounts and other Proceedings of the Lower House that ought to be lodged in the Assembly Office Ordered that Mr Vachel Denton and Doctor Charles Carrol make an Enquiry where the same are lodged and collect the same and make Report thereof to the House next Session, and that they likewise obtain authentick Copies of all other Papers they shall have Occasion of for the Use of the Publick, and that they employ a Clerk to attend them for the sd Purposes

True Copy Test W Ghiselin Cl Assist to Cl Lott p. 42

Annapolis 23d July 1739

Sir

In Pursuance of and Obedience to the aforegoing Order We request you will direct your Clerk of the Land Office to make out authentick Copies of any of his Lordships Conditions of Plantations or Other Papers or Entries recorded in the said Office, which he shall be directed to do under Our Hands by Virtue of the foregoing Order for the Use and on Account of the Publick of the Province of Maryland We pray your answer hereto in Writing and are with great Esteem Sir

Your most obedient humble Servants

To Levin Gale Esqr C. Carroll

This V. Denton

Gentlemen

I received your Letter yesterday by Mr Stephen Bordley but shall part with no Copies of Records out of the Land Office without some Person engages to pay the usual fees, and on those Terms the Clerks have Orders to make out any Copies that shall be called for

I am Gentlemen

Your most humble Servant

To Doctor Charles Carrol Levin Gale

& Mr Vachel Denton

Present.

Lib. C. B. Also was produced the following Letter

M[r] Ghiselin

I am ordered by the present standing Committee of the House of Delegates as Clerk to the said Committee to apply to you for the Key of the Assembly Office, and at all Times to have the Liberty of Recourse to any of the Records Journals or Papers therein or thereto belonging therefore I now desire that you would send me the Key by the Bearer hereof or by your Man as soon as possible

from Yours &c

Annapolis 19 June 1739 S: Bordley

To M[r] W[m] Ghiselin in Annapolis

This

p. 43 Upon Consideration whereof This Board is of Opinion that No Members of the Lower House can be qualified by Virtue of any Order made in the last Convention of Assembly to act as a Committee of the said House after the Prorogation and during the Interval of the Assembly and that the Exercise of any such Authority or Power is not only unwarrantable & illegal, but is an Encroachment on, and has a Tendency to overthrow the Authority which every Governor in his Majestys Dominions is invested with, of proroguing and dissolving Assemblies, and that therefore it might be of very mischievous Consequence to give the least Countenance to such a Proceeding even by overlooking it, or not taking a due Notice thereof

Wherefore this Board is of Opinion that Every Officer should be cautioned and directed not to submit to or comply with any Command Request or Application made or to be made by or under the pretended Authority of any such Committee

But forasmuch as this Board out of a dutiful Regard to his Majestys Authority and sincere Desire for the Welfare and Satisfaction of the Good People of Maryland, who may be made uneasy by Notions of imaginary Grievances, while they neglect their true and real Interest, is unwilling to give the least Stop or hinderance to any Application to the Throne from his Majestys Subjects in this Province on Account of the Irregularity of the Proceedings or ill Practices of any of their Representatives It is ordered that the Chief Clerks of the Provincial Court and Land Office shall transcribe Copies of all such Writings and Papers in the said Offices as shall be thought necessary to carry on such Application, and shall be applyed for by any Person whatsoever such Person paying or securing the usual fees due for such Services

The Perusal of and Transcripts from several Books containing the Proceedings of Assemblys and lodged in the Assembly Office being thought by this Board to be necessary for the present Service & Affairs of the Government; It is therefore ordered and directed by this Board, that the Clerk of this Board take such Copies of any of the Books and Papers relating to the Proceedings in Assembly as are lodged in the Assembly Office & which shall be directed from time to time by the Secretary of this Province Lib. C. B.

Richard Gyant of Queen Anns County condemned for Murder at the Assizes held for the said County in April last, and who escaped from the Custody of the Sheriff, being, as appears by the Sheriffs Letter, retaken It is the humble Advice of this Board to his Excellency that he be pleased to order a Warrant to issue for his Execution on Friday the seventeenth of this Instant August. p. 44

Ordered that the General Assembly of this Province which stands prorogued to the first Day of September next be further prorogued to the first Tuesday in November next, and his Excellency was pleased to issue his Proclamations accordingly

Ordered that the Colonels of the several Counties transmit to this Board with all convenient speed an Account of the several Men listed in the Militia of their respective Counties and under what Captains, how many Men appear armed, and in what manner at the Time of Muster, the Names of the Officers who are diligent, & also of those who neglect their Duty; And that the Clerk of this Board send to the several Colonels a Copy of this Order.

Ordered that the Clerk of this Board write to M^{r} Samuel Hyde Merchant in London desiring the favour of him to order One of his Clerks to transcribe from the Books of the late M^{r} John Hyde his Father the State of the Accounts of the Three Pence ꝑ hh^{d} for Arms and Ammunition for the Use of this Province from the first raising thereof & lodged in his Hands by Either of the Treasurers of this Province; And that from the Time of his Fathers Death to this present year, he will order a Transcript of the State of the af^{d} Fund lodged in his Hands to be made out, and that he be desired to send them hither by the first Opportunity p. 45

Ordered that the honourable Col Charles Hammond Treasurer of the Western Shoar send to M^{r} Samuel Hyde Merchant in London for such and so many Branches or Chandelieres for the Use of the Council Room as the honourable Benjamin Tasker Esq^{r} shall think necessary and direct; and that M^{r} Hyde be ordered to charge the Prices thereof to the Fund of 3^{d} ꝑ hogshead for purchasing Arms &c lodged in his Hands.

Lib. C. B. At a Council held in the Council Chamber on Thursday the 2[d] Day of August in the twenty fifth year of His Lordships Dominion Annoq Domini 1739.

Present

His Excellency Samuel Ogle Esq[r] Governor

The honourable	Benjamin Tasker Esq[r]	Col Charles Hammond
	George Plater Esq[r]	Col Levin Gale
	Edmund Jenings Esq[r]	James Harris Esq[r]
	James Hollyday Esq[r]	

Ordered that the honourable Coł Charles Hammond Trear. of the Western Shoar send to M[r] Samuel Hyde Merchant in London for the following Canon Powder and Ball, and that he direct M[r] Hyde to charge the Costs thereof to the Fund of 3[d] p hogshead for purchasing Arms and Ammunition lodged in his the said Hydes Hands

	Lw[t]	
Four Demi Culverin least	 9	mounted
Six Sakers Ordinary	to carry 6 Ball	on
Eleven Minion largest	 4	Carriages
Six Swivel Guns of about	1 [lwt] Each	

Twelve Brass Blunderbusses
Forty Quarter Barrels of Gunpowder ½ Pistol ½ Cannon
A Tun of Ball sorted to the Guns

p. 46 His Excellency acquaints this Board that the Publick Business of the Province makes the Application and Direction of the three thousand five hundred Pounds appointed by Acts of Assembly to be laid out in purchasing Ground in or adjacent to the City of Annapolis, and for building a Dwelling House Out houses and other Conveniencies for a Governor, and which by the s[d] Acts are Subject to his Direction, troublesome to him; he therefore desires the Board will appoint Two of their Members to be joyned with him in the Application of the said Sum for the Purposes af[d] and this Board accordingly names to his Excellency the honourable Coł Charles Hammond & Coł Levin Gale, who is pleased to approve of them; and they are hereby ordered to take the said Charge upon them accordingly.

At a Council held at the House of his Excellency the Governor in the City of Annapolis on Friday the 24[th] day of August in the twenty fifth year of his Lordships Dominion Annoq Dom. 1739

Present Lib. C. B.

His Excellency Samuel Ogle Esq[r] Governor
Edmund Jenings Esq[r]
Col Charles Hammond
Col Levin Gale

His Excellency is pleased to lay before this Board the following Letter received by him from his Grace the Duke of Newcastle One of his Majestys Principal Secretarys of State, as also his Majestys Warrant under His Royal Sign Manual, in the following Words.

Whitehall June 15[th] 1739

Sir

As it was stipulated by the Convention, concluded between His Majesty and the King of Spain, on the 14[th] of January last N: S: That the Sum of Ninety five Thousand Pounds Sterling should be paid at London, within the Term of four Months, to be reckoned from the Day of the Exchange of the Ratifications of the said Convention, as a Ballance due, on the Part of Spain, to the Crown and Subjects of Great Britain, and as the said Term of Four Months, from the Exchange of the Ratifications of the Convention, did expire on the 25[th] Day of May last, and the Payment of the said Sum of Ninety five thousand Pounds Sterling, agreed by the said Convention, has not been made, according to the Stipulation for that Purpose, by which means the Convention abovemention'd has been manifestly violated and broke, and his Majestys Subjects remain without any Satisfaction, or Reparation for the many, great and grievous Losses sustained by them, His Majesty has thought himself obliged to take such Measures, on his Part, as are necessary for the Support of the Honour & Dignity of his Crown, the Security of the just Rights of his Subjects, and the Good and Safety of his Dominions, and has therefore ordered the Ships and Effects of the King of Spain and his Subjects, to be seized and taken wherever they shall be met with; with which I am commanded to acquaint you, that you may cause the same to be made known in all Places under your Governm[t] to the End that his Majestys Subjects, in those Parts, may be upon their Guard, to prevent any Mischief they might otherwise suffer from the Spaniards, in Revenge for the Measures, which his Majesty is obliged to take to do himself and his Subjects Justice; And that they may, in their several Stations annoy the Subjects of Spain, in the best manner they are able: And I send you herewith, by the Kings Order, his Majestys Warrant, under his Royal Sign Manual, authorising and empowering You to grant Commissions of

p. 47

Lib. C. B. Marque and Reprisal, for arming and fitting out private Ships of War, against the Ships Goods and Subjects of the King of Spain. And It is his Majestys Pleasure, that you should be very rigorous and severe, in preventing any Ammunition, or
p. 48 Stores of any kind, from being carried to the Spaniards; and you are to use all proper Methods, that may be most effectual for this Purpose

I am Sir

Your most obedient humble Servant

Holles Newcastle

Deputy Governor of Maryland, or Commander in Chief for the time being

George R:

Trusty and Welbeloved We Greet you well.

Whereas several unjust Seizures have been made, and Depredations carried on in the West Indies by Spanish Guarda Costas, and Ships acting under the Commission of the King of Spain, or his Governors, contrary to the Treaties Subsisting between Us and the Crown of Spain, and to the Law of Nations to the great Prejudice of the lawful Trade and Commerce of Our Subjects; and many Cruelties and Barbarities have been exercised on the Persons of such of Our Subjects whose Vessels have been so seized by the said Spanish Guarda Costas; And whereas frequent Complaint has been made to the Court of Spain of these unjust Practices, and no Satisfaction or Redress been procured; And whereas a Convention for making Reparation to Our Subjects for the Losses sustained by them, on Account of the unjust Seizures and Captures above mentioned, was concluded between Us and the King of Spain on the 14th Day of January last N: S:, by which Convention it was stipulated that a Certain Sum of Money should be paid at London within a Term specified in the said Convention, as a Ballance due, on the Part of Spain, to the Crown and Subjects of Great Britain; which Term did expire on the 25th day of May last, and the Payment of the said Sum, agreed by the said Convention, has not been made, according to the Stipulation for that Purpose, by which Means the Convention abovementioned has been manifestly violated and broke by the King of Spain, and Our Subjects remain without any Satisfaction or Reparation for the many great and grievous Losses sustained by them; We have thought fit for
p. 49 the vindicating the Honour of Our Crown, and for procuring Reparation, and Satisfaction for Our injured Subjects, to order Reprisals to be made upon the Crown and Subjects of Spain; And we do therefore by Virtue of these Presents, authorise

and empower you to issue forth and grant Commissions of Lib. C. B.
Marque and Reprisal to any of Our Loving Subjects, or Others, who shall apply to you for the same, and whom you shall deem fitly qualified, in that behalf, for arming and fitting out private Ships of War for the apprehending seizing, and taking the Ships Vessels and Goods belonging to the King of Spain his Vassals and Subjects, or any inhabiting within his Countries, Territories and Dominions in the West Indies: Provided always, that before any such Comission or Commissions be issued forth, Security be given upon every such Commission as hath been used in such Cases, and you shall insert in every Commission, to be so granted by you, all such Clauses, and give such Directions and Instructions to the Person or Persons, to whom you shall grant such Commission, as have been usual in Cases of the like Nature. And for so doing This shall be your Warrant Given at Our Court at Kensington the fifteenth Day of June 1739 in the thirteenth Year of Our Reign

By his Majestys Command
Holles Newcastle

To Our trusty and Welbeloved
Samuel Ogle Esq^{r} Deputy Governor
of Our Province of Maryland in America

Maryland

It is the humble Advice of this Board to his Excellency that he be pleased to order a Proclamation to be drawn up notifying the same, which Proclamation being prepared is read at this Board and approved of and ordered to issue as follows.

Maryland ss.

By His Excellency Samuel Ogle Esq^{r} Governor & Commander in Chief in and over the Province of Maryland

A Proclamation

Whereas I have received a Letter from his Grace the Duke p. 50
of Newcastle One of his Majestys Principal Secretarys of State signifying that by the Convention concluded between His Majesty and the King of Spain on the 14th of January last N: S: that the Sum of ninety five thousand Pounds Sterling should be paid at London, within the Term of four Months, to be reckoned from the Day of the Exchange of the Ratifications of the s^{d} Convention as a Ballance due on the Part of Spain to the Crown and Subjects of Great Britain, And as the said Term of four Months from the Exchange of the Ratifications of the Convention did expire on the twenty fifth Day of

Lib. C. B. May last, And the Payment of the said Sum of ninety five thousand Pounds Sterling agreed by the said Convention has not been made according to the Stipulation for that Purpose, by which means the Convention abovementioned has been manifestly violated and broke, and his Majestys Subjects remain without any Satisfaction or Reparation for the many great and grievous Losses sustained by them; His Majesty has thought himself obliged to take such Measures on his part as are necessary for the Support of the Honour and Dignity of his Crown, the Security of the just Rights of his Subjects, and the Good and Safety of his Dominions, and has therefore ordered the Ships and Effects of the King of Spain and his Subjects to be seized and taken wherever they shall be met with

And that his Majesty has commanded me to cause the same to be made known in all Places under my Government, to the End that his Majestys Subjects in these Parts may be upon their Guard to prevent any Mischief they might otherwise suffer from the Spaniards in Revenge for the Measures which his Majesty is obliged to take to do himself and his Subjects Justice, and that they may in their several Stations annoy the Subjects of Spain in the best manner they are able, and to be very rigorous and severe in preventing any Ammunition or Stores of any kind from being carried to the Spaniards and to use all proper Methods that may be most effectual for this
p 51 Purpose; And His Grace has likewise sent His Majestys Warrant under his Sign Manual authorizing & empowering me to grant Commissions of Marque and Reprisal for arming out private Ships of War for the apprehending seizing and taking the Ships Vessels & Goods belonging to the King of Spain his Vassals and Subjects or any inhabiting within his Countries Territories and Dominions in the West Indies

Wherefore I have thought fit with the Advice of his Lordships Council of State to issue this my Proclamation to the End that all Persons within this Province may have due Notice of his Majestys said Commands And I do hereby strictly charge and require the Sheriffs of this Province to make this my Proclamation publick in their said Cities in the usual manner as they will answer the Contrary at their Peril Given at the City of Annapolis this 24th Day of August in the 25th year of his Lordships Dominion Annoq Domini 1739

Ordered that the Colonels of the several Counties of this Province take Care to have all Persons not exempt by Law enlisted in the Militia of their said Counties, and that they direct the several Captains under their respective Commands to repair on any Alarm with their Men armed, to such Place

or Places as the Colonel shall order, and that the Captains Lib. C. B.
give proper Notice to their Men for that purpose; And that the Clerk of this Board send to the several Colonels a Copy of this Order.

The following Proclamation being read was approved of & issued accordingly

Maryland ss.

By His Excellency Samuel Ogle Esq^{r} Governor & Commander in Chief in & over the Province of Maryland.

A Proclamation

Forasmuch as the Safety of this as well as the neighbouring Parts of his Majestys Dominions makes the puting and keeping the Militia in good Order at the time of this general Danger necessary I have therefore thought fit with the Advice of his Lordships Council of State to issue this my Proclama- p. 52
tion hereby requiring and commanding all military Officers within this Province to have the several Men under their respective Commands frequently mustered and disciplined, and ready to march upon any Emergency to serve his Majesty and defend this Part of his Majestys Dominions And I do further by the Advice aforesaid strictly command and enjoyn the putting the several Militia Laws of this Province in Execution against such Persons as shall neglect their Duty or disobey the lawfull Commands of their Officers And I do also strictly charge and command the several Sheriffs of this Province to make this my Proclamation publick in their said Counties in the usual manner as they will answer the Contrary at their Peril Given at the City of Annapolis this 24th Day of August in the 25th year of his Lordships Dominion Annoq Domini 1739.

His Excellency having communicated to this Board a Report made to him by the Justices of Ann Arundel County of their having passed Sentence of Death upon a Negro Man named Robin the slave of M^{rs} Eliz. Beale Widow, convicted of Burglary, and also of their having passed Sentence of Death upon a Negro Man named Robin the Slave of M^{r} John Walmesley convicted for ravishing a White Woman; It is the humble Advice of this Board to His Excellency that he be pleased to order Warrants to issue for their Execution on Wednesday next, and forasmuch as the Slave of M^{r} Walmesley has been a most notorious Offender that he be hung in Chains 60 yards from the Gallows to the Westward of the Old Orchard.

Lib. C. B. At a Council held in the Council Chamber at the City of Annapolis on Thursday the 11th day of October in the 25th year of his Lordships Dominion Annoq Domini 1739

Present

His Excellency Samuel Ogle Esq^{r} Governor

p. 53 The hon̄ble { Benjamin Tasker Esq^{r} James Holliday Esq^{r} / George Plater Esq^{r} and / Edmund Jenings Esq^{r} Col^{o} Levin Gale }

M^{r} Secretary lays before the Board the following Letter.

M^{r} William Ghiselin

We desire you will immediately and without Loss of time make out Authentick Copies of the following Acts Commissions and other Papers and make due proof of them to be such before a Provincial Justice in order to be Transmitted to Great Britain for the use of the House of Delegates of this Province for the cost of which is inclosed an Assumption we are Sir Your humble Servants

C: Carroll

Annapolis October 6th 1739. V: Denton

An Act for Port duties and Masters of Ships made Anno Domini 1661

An Act repealing All former Acts of Assembly heretofore made saving what are hereby excepted Anno 1704

An Act Entituled An Act for repairing the damages already sustained in the Records of the Land Secretarys Commissarys and County Court Offices and for security of the same Records for the future made Anno 1716.

Copy Commission to Edmund Jenings Esq^{r} as Secretary

Copy of Edmund Jenings Esq^{r} his Commission to William Ghiselin Clerk of the Provincial Court

Copy of Edmund Jenings Esq^{r} his Bond past by Virtue of the said Act for repairing the damages already sustained in the Records &c^{a}

Acts for providing a Support for the Lord Proprietary &c^{a} referred to in the following Act made Anno 1674, 1671

An Act for settlement of An Annual Revenue upon their Majestys Governor within the Province for the time being made Anno 1692

The Act of 1699 continuing the said Act of 1692

An Act for settlement of An Annual Revenue upon her Majestys Governor within this Province for the time being made Anno 1704

An Act Ascertaining the Gauge and Tare of Tobacco hhds and to prevent cropping &c^{a} made in April 1715

An Act Ascertaining the Gauge and Tare of Tobacco hhds made in May 1717 Lib. C. B.

The last Renewment of the said Act of Gauge and Tare of 1717 which continued the same to 1733

Commission from the right Honourable the Lord Proprietary to his Excellency Samuel Ogle Esq[r] dated at Annapolis 27 June 1733

Sir p. 54

Please to Charge me in Account for the Use of the House of Delegates of Maryland the lawful Fees for making out the foregoing Copies and making Proof of them to be true Copies and when made out and delivered truly proved let me have such Account which shall be paid by Sir

Annapolis October 6. 1739 Your humble Servant

To C: Carroll

M[r] William Ghiselin Deputy
Clerk of the Provincial Court
These

Upon Consideration whereof this Board is of opinion that the said Charles Carroll and Vachel Denton by the said Letter endeavours to Act under the Authority and as A Committee of the Lower House of Assembly which stands now Prorogued contrary to the opinion and Sense of this Board Expressed in a former order made the first day of August 1739: And of which order this Board is informed the said Charles Carroll and Vachel Denton had notice therefore this Board is of opinion and it is accordingly ordered that M[r] Ghiselin Chief Clerk of the Provincial Court make out for and give to any person whatsoever any Copy or Copys which shall be particularized to him by such person or Persons either paying or securing the Usual Fees due for such Services but that he ought not to give or make out such Copys in pursuance of the said Letter

Ordered by His Excellency the Governor with the Advice of this Board that the present general Assembly which stands prorogued to the first Tuesday in November next, be further prorogued to the second Tuesday in February next and Proclamations issued accordingly

At a Council held at the House of his Excellency the Governor in the City of Annapolis on Tuesday the 22[d] Day of January in the twenty fifth year of his Lordships Dominion Annoq Domini 1739

Lib. C. B.

Present

His Excellency Samuel Ogle Esq[r] Governor

The honourable { Benjamin Tasker Esq[r] / Edmund Jenings Esq[r] / Col Levin Gale

p. 55 The following Remonstrance and Letters being laid before this Board and the Board being informed that Copies of the said Letters were delivered to the said Charles Carroll anp Vachel Denton; It is their opinion, that the same together with the Order of Council of the 11[th] of October last, be Printed, that the Country may be fully apprized of everything that has Passed relating to the Applications for Copies of any papers out of the publick Offices

To his Excellency Samuel Ogle Esq[r] Governor of Maryland

The Remonstrance of Charles Carroll, Vachel Denton, Edward Sprigg, Turnor Wootton, Osborn Sprigg, and John Magruder, Members of the House of Delegates of the said Province appointed to take Copies of Records and transmit the same to Great Britain &c[a]

May it please your Excellency

We are really concerned that any Act supposed to be Ours should give Offence, being what by all means we desire to avoid

Observing A Letter from M[r] Stephen Bordley to M[r] William Ghiselin dated 19 June 1739, made part of the proceedings of Council, as if the same had been from us, or by our Order, obliges us to presume to set that matter in its proper Light to your Excellency

That the said Letter was not wrote or sent by our Order, or with our Knowledge we hope the paper hereto annexed signed by M[r] Bordley will satisfy your Excellency in that point, as likewise that no use was made of the Key of the Assembly Office

If your Excellency shall be pleased to permit that M[r] William Ghiselin be examined as to the Circumstances attending that Affair, we humbly presume to say he will declare to the same Effect, as we doubt not his Veracity

We humbly hope that no Transaction of ours executed by Virtue of any order of the House of Delegates, will bear being interpreted in any wise to Command any Persons whatever or in the least to oppose Government.

With Regard to the Denomination of Committee, which seems to have given Offence we humbly conceive it to be but

a Term & imports no more than Agents, Commissioners or Lib. C. B.
Managers, and without some Persons to Act the end (which
is allowed to be lawful) cannot be attained to wit, the address-
ing the Right Honourable the Lord Proprietary, or if need be p. 56
his most Sacred Majesty

The great Regard we have to Government, and the Duty we owe to your Excellencys Authority, derived to you from his Lordship the Lord Proprietary, and approved by his Majesty, induces us to assure you, that it is very remote from us to have the least Intention of opposing the same, but on the Contrary we shall pay due Obedience thereto, and demean our selves as loyal and dutiful Subjects.

We humbly pray that your Excellency will not be displeased with us, nor that the modest Discharge of our Duty in the Trust reposed, be imputed to Us as a Crime. We really desire your favourable Countenance and Opinion and are with dutiful Respect

Your Excellency's
Most Obedient
Most humble Servants

Annapolis 25th Septr 1739

C. Carroll
V. Denton
Edward Sprigg
Turnor Wootton
Osborn Sprigg
John Magruder

The Subscriber hereof having received directions from some of the Persons mentioned in an Order of the House of Delegates dated the 9th June last, to get several papers out of the Assembly Office (then in the Custody of Mr Ghiselin as Clerk Assistant to Mr Macnemara Clerk to the said House of Delegates) in order to Copy the same for the use of the publick; he the Subscriber, did accordingly, in pursuance of such directions, at several times, go up into the Provincial Office (whereof the said Mr Ghiselin was also at that time Clerk) and likewise to the Assembly Office, at the usual Office Hours, in expectation of finding him at one or other of the said Offices, to acquaint him with the aforesaid directions and to obtain several papers out of the said Assembly Office which were thought requisite and necessary to be Copied in order to be transmitted to Great Britain for the use of the publick; but he not having at any of the aforesaid several times found the said Mr Ghiselin in the said Provincial Office, nor either himself or any of his Clerks in the said Assembly Office, he the Subscriber did on the 19th day of June last (when also he went p. 57
thither for the Purposes aforesaid, to speak to the said Mr

Lib. C. B. Ghiselin, and not finding him) in the Provincial Office hastily write a note to the said Ghiselin, the effect whereof might for ought that he remembers to the Contrary, be as set out in the Council proceedings, and delivered the same to the said Mr Ghiselins Servant, one of the then Writers or under Clerks in the said Provincial Office, and desired him as soon as Possible to give the same to his said Master, soon after which the said Servant brought the Key of the Assembly Office to the Subscriber at his own House, and said his Master bid him demand a Receipt for it, which the Subscriber refused to give, and told him that he did not want to keep the Key, whereupon Doctor Charles Carroll who was then also present at the Subscribers House demanded of the said Servant where his Master was, who informed him, that he was at Mr Ramsay's, and being desired to request his Master to walk over, he accordingly left the Key, and went to the said Mr Ramsays House, and in a few minutes after his departure, his said Master the said Mr Ghiselin came into the Subscribers House, where the said Doctor Carroll and the Subscriber still Continued, upon whose coming in, the Subscriber told him he did not want to keep the Key any longer than to get some papers out of the Office and that if he would give the Subscriber the papers he wanted 'twould do as well and thereupon immediately returned the Key, and the said Mr Ghiselin answered, you may have any papers out of the Assembly Office which you want; But the Subscriber averrs there was no use made of the Key while it was in his possession; and tho' he was directed to get papers out of the Assembly Office to Copy as aforesaid, yet he owns he had no particular Orders or directions from any person to write the said note, nor had any of the Persons mentioned in the aforesd Order of the House of Delegates, any notice of the said notes being wrote or intended to be wrote, until after the same had been sent; And he also averrs, that he had no other Intention in Writing the said note than to prevent to himself a further needless and fruitless Trouble, in going up and down in quest of the said Mr Ghiselin, and also, as in all appearance a more speedy method of Obtaining such papers to be Copied, as might be necessary to be transmitted to Great Britain, and which as the Subscriber was informed required the utmost dispatch

T. Bordley

p. 58 Gentlemen

I have received yours and you may perceive by the within Copy of An Order of Council, I am restrained from taking any notice or paying any Obedience to, your Command as A Committee of the Lower House of Assembly; but am ready

to make either of you what Copies you shall desire, upon Securing or paying the Usual fees to the Secretary for the same, and am, Gentlemen, Lib. C. B.

Your very humble Servant

To Doctor Carroll and Mr Denton — Wm Ghiselin

Mr Ghiselin

As I have not heard of any further Application from Doctor Carroll, and Mr Denton, to you, since the Order made in Council the 11th day of October last past; perhaps they have misunderstood that Order, which I am satisfied was principally intended to prevent a Compliance with any Request that had been, or should be made, under the least appearance of an Authority of a Present Committee of the Lower House of Assembly; Therefore that any misapprehension in this Matter may not be a real Impediment to any Affair wherein the Service of the Country may be supposed to be Concerned, I desire you to acquaint Doctor Carrol and Mr Denton, that, thro' my willingness to remove any Obstacle in my power, I have directed you to let both, or either of them, have out of the Provincial Office, what Copies they or either of them, shall be pleased to require; and as the Fees for such Copies will belong to me, I am Contented to rely on their, or either of their, Promise to pay or procure such fees to be Satisfied, being well Persuaded of their punctual Performance I am

Your humble Servant

Annapolis Decem. 17. 1739 — Edmund Jenings

To Mr Ghiselin Chief Clerk of the Provincial Court.

Sir

As Doctor Carrol and Mr Denton have not applied to the Land Office for Copies of any Records since the Order made in Council the first day of August last perhaps they have misunderstood that Order, which was only intended to prevent A Compliance with any Request that had been or should be made, with the least Appearance of Authority by any supposed Committee of the Lower House of Assembly, after the prorogation and during the Interval of the Assembly, but not to impede in any manner their having the Copies they desired.

Therefore I desire you'll acquaint Doctor Carroll and Mr Denton, that I have directed you to let them, or either of them, have out of the Land Office Copies of all such Records as either of them shall desire, and as the Fees for the same will belong to me, I am Content to rely on their or either of their p. 59

Lib. C. B. bare promise to pay or procure such Fees as shall become due to me for such Copies to be Satisfied. I am Sir,

Your humble Servant

Annapolis Decem: 21, 1739 Levin Gale

To Mr Griffith Beddoe Chief Clerk of the Land Office

Read the Depositions of several Negroes in Prince Georges County relating to a most wicked and dangerous Conspiracy having been formed by them to destroy his Majestys Subjects within this Province, and to possess themselves of the whole Country; It is therefore the humble Advice of this Board to his Excellency that he be pleased to issue a special Commission of Oyer and Terminer for the speedy Tryal of the said Offenders; and that he would be pleased likewise to order the Colonel of the said County to keep a Guard of 12 Men, to be relieved daily, at the Prison of the Sheriff of the said County, where some of the sd Negroes are committed until the Time of their Tryal, and if any of them should be convicted, until the Day of their Execution, which Order issued accordingly.

At a Council held at the Governors in the City of Annapolis on Wednesday the 23rd Day of January in the twenty fifth year of his Lordships Dominion Annoq Domini 1739

Present

His Excellency Samuel Ogle Esqr Governor

The hon̄ble { Benjamin Tasker Esqr } Col Charles Hammond
{ Edmund Jenings Esqr } Col Levin Gale

Ordered that the Sheriff of the City of Annapolis do not permit any Negroes to come into this City on Sundays without Leave given under their Masters Hands, and if any be found therein by him or his Deputys without such License, that he order them immediately to depart, and upon their Refusal to cause them to be whipped, which Order issued accordingly

p. 60 Ordered by His Excellency the Governor with the Advice of this Board that the present General Assembly which stands prorogued to the second Tuesday in february next be further prorogued to the fourth Tuesday in April next and Proclamations issued accordingly

At a Council held at the Governors in the City of Annapolis on Thursday the 24th Day of January in the 25th year of his Lordships Dominion Annoq Domini 1739

Present Lib. C. B.

His Excellency Samuel Ogle Esq^{r} Governor

The hon^{ble} { Benjamin Tasker Esq^{r} } Col Charles Hammond
{ Edmund Jenings Esq^{r} } Col Levin Gale

The following Order being read, was approved of, and ordered to be sent to the Sheriff of Prince Georges County.

Whereas upon Consideration of the Act of Assembly Entituled A Supplementary Act to the Act Intituled An Act for the more Effectual Punishment of Negroes and other Slaves and for taking away the Benefit of Clergy from certain Offenders and to An Act Entituled An Act to prevent the tumultuous Meeting and other Irregularitys of Negroes and other Slaves and directing the manner of Trying of Slaves it is doubtful whether the Offenders can be try'd by Commission of Oyer and Terminer or Goal Delivery and it appearing by the Depositions of several Negroes taken before M^{r} John Hepburn one of the Justices of Prince Georges County that a considerable number of Slaves in that County had form'd a most Wicked and Dangerous Conspiracy to destroy his Majestys Subjects within this Province and to possess themselves of the whole Country which may be attended with very Tragical Consequences if not timely prevented And Whereas several of the Conspirators must be committed to Prison and Remain there until March Court or Assizes and that there is Reason to apprehend that the numbers which must be so Committed with the Assistance of their yet undiscovered Accomplices may attempt to break the Goal, It is therefore hereby ordered that p. 61 the Sheriff of the said County shall use all Proper Ways and Means not only for preventing the escape of any Slave already Committed or who shall be hereafter Committed and to Apprehend and secure all those whom he shall have Cause to Suspect of endeavouring to Rescue the said Prisoners or any of them and to that end and purpose to press such and so many persons as shall be necessary to attend and Assist him for the purposes aforesaid which persons are hereby required to Aid and Assist the said Sheriff in the premises as they will answer the Contrary at their Perill And that the several and Respective Magistrates in the said County upon Application of the said Sheriff to them or any of them shall be Aiding and Assisting to him herein by Warning and Summoning such and so many of the Inhabitants as may be proper and necessary for the purposes aforesaid

The following Proclamation being read was approved of and issued accordingly

Lib. C. B. Maryland ss[t]

By His Excellency Samuel Ogle Esq[r] Governor and Commander in Chief in and over the Province of Maryland

A Proclamation

Whereas a Wicked and Dangerous Conspiracy hath been discovered to have been lately entered into by several Negroes in Prince Georges County to kill and Murder the white people within the said County and other parts of this province several of which Conspirators are now Actually in prison and Informations given against many others not yet Apprehended In Order therefore to Avert so great and Eminent A Danger and as much as in me lies to secure his Majestys Subjects in their Lives and Propertys and to prevent their being Sacrificed to the rage and fury of merciless and Barbarous Slaves I have thought fit with the Advice of his Lordships Council of State to Issue this my Proclamation Strictly Commanding and requiring all Officers as well Civil as Military within this province in their Several and respective Stations to be particularly careful in putting the several Laws in Execution to prevent the Tumultuous meeting of Slaves and all other Laws for the Safety of the People and to Apprehend all such Slaves as shall be found wandering who cannot give a good and Satisfactory Account of themselves and to Secure them that they may be Amesnable to Justice and dealt with according to
p. 62 Law, And to require all Persons to be aiding and assisting to the several Officers in the due and faithful Execution of their duty in the Premises, And also to Exhort all his Majestys Subjects to be upon their guard and to prepare in the best and most Expeditious manner they can for the defence of themselves and their Neighbours and for the better exacting an Obedience from the Civil Officers in the Execution of their Duty in the Premises I hereby earnestly recommend to the Magistrates of the several Counties a Careful and strict Observance and notice of such Civil Officers as may be negligent or remiss in their said Several Dutys In Order for their Punishment according to Law, And I do hereby Strictly charge and require the several Sheriffs of this province to make this my Proclamation publick in their said Counties in the usual manner as they will Answer the Contrary at their Peril Given at the City of Annapolis this 24[th] day of January in the 25[th] year of his Lordships Dominion Anno Domini 1739

the following Commission being produced by the Hon̄ble Col[o] Charles Hammond is ordered to be Entered

Maryland ss. Lib. C. B.

John Seymour Esq[r] Captain General and Governor in Chief in and over this her Majestys Province of Maryland the Lands Islands and Territorys thereunto belonging

To John Hammond of Ann Arundel County Esq[r] Greeting.

Whereas I am Commanded and Enjoyned by her most Excellent Majestys Royal Instructions, to put the Militia of this her Majestys province in the best and most Useful Posture for the Defence and Security thereof; especially in this time of War—And for that I have and do repose Especial Trust and Confidence in your Loyalty, Courage, Prudence, Skill and good Conduct; In pursuance of her said Majestys Royal Instructions to me I have thought fit & do hereby Commissionate you the said John Hammond to be Major General of all and Singular the Forces belonging to the Militia, within the Six Countys of the Western Shore, in this Her Majestys Province, both of Horse and Foot Commanding and Requiring the several Colonels and Commanders and other Subalterne Officers Soldiers and Troopers of the said Militia to be in all Respects Obedient to your Commands And to the end the said Militia may be rendered the most Effectually Serviceable, p. 63 and that it may be the better known what Officer or Officers do discharge and execute their Commissions or otherwise happen to neglect their Duty in Trayning and Mustering the several Troops and Companys under their Command according to the Art and Discipline of War you are as often as you shall see fit, and at such times and places as you shall Judge most Convenient, to Review the said Militia and upon their Several Appearances diligently to Observe how well they shall be appointed that you may be the better enabled to give me Account thereof and upon any Suddain Invasion Incursion or Insurrection you are hereby Authorized Immediately to Summons such Troops and Companys as you shall see fit out of the said Several Counties on the Western Shore and them according to the Art and Discipline of War to Command and dispose for the resisting Vanquishing and Suppressing thereof by all such Ways and means as you shall think proper for the better Security and Defence of the Province And further you are to Obey and put in Execution all such Orders and Instructions as you shall from time to time receive from myself or any her Majestys Governor and Commander in chief of this Her Province for the time being Lastly I do hereby Grant unto you to hold this Commission during Pleasure Given under my Hand and Seal at Arms this seventeenth day of July in the Sixth year of the Reign of Our Sovereign Lady

Lib. C. B. Anne by the Grace of God of Great Britain France and Ireland Queen Defender of the Faith &c Anno Dom 1707

His Excellency is pleased with the Advice of this Board to appoint the honourable Col Matthew Tilghman Ward of Talbot to be Major General of all the Militia on the Eastern Shoar and to order Commission to issue to him for that Purpose, in the following Words

Maryland ss.

Samuel Ogle Esquire Captain General and Governor in Chief in and over the Province of Maryland and the Lands Islands and Territories thereto belonging.

p. 64 To the honourable Matthew Tilghman Ward of Talbot County Esq[r] Greeting.

Whereas it is thought necessary at this present Juncture to put the Militia of this Province in the best and most useful Posture for the Defence & Security thereof: And for that I have and do repose especial Trust and Confidence in Your Loyalty, Courage, Prudence, Skill and good Conduct I have thought fit and do hereby commissionate you the said Matthew Tilghman Ward to be Major General of all and singular the Forces belonging to the Militia within the six Counties of the Eastern Shoar of this Province, both of Horse and Foot Commanding and requiring the several Colonels and Commanders, and other Subaltern Officers, Soldiers and Troopers of the Militia, to be in all Respects obedient to your Commands and to the End the said Militia may be rendered the most effectually serviceable, and that it may be the better known what Officer or Officers do discharge and execute their Commissions, or otherwise happen to neglect their Duty in training and mustering the several Troops and Companies under their Command according to the Art & Discipline of War; You are as often as you shall judge most convenient, to review the said Militia, and upon their several Appearances diligently to observe how well they shall be appointed, that You may be the better enabled to give me Account thereof And upon any sudden Invasion Incursion or Insurrection you are hereby authorized immediately to summon such Troops and Companies as you shall see fit out of the said several Counties on the East-
p. 65 ern Shoar, and them according to the Art and Discipline of War to command and dispose for the resisting vanquishing and suppressing thereof by all such Ways and Means as you shall think proper for the better Security and Defence of the Province, And further you are to obey and put in Execution

all such Orders and Instructions as you shall from time to time receive from myself or any other Governor in Chief of this Province for the time being Lastly I do hereby grant unto you to hold this Commission during Pleasure Given under my Hand and Seal this twenty second Day of January in the twenty fifth Year of his Lordships Dominion Annoq Domini 1739 Lib. C. B.

This Commission read and approved in Council.

At a Council held at the House of his Excellency the Governor in the City of Annapolis on Thursday 13th Day of March in the twenty fifth year of his Lordships Dominion Annoq Domini 1739

Present

His Excellency Samuel Ogle Esqr Governor

The honourable { Benjamin Tasker Esqr
Edmund Jenings Esqr
Col Charles Hammond

Col William Hammond of Baltimore County having returned the Gun delivered to him out of the Publick Magazine by the Governors Order, and this Board having viewed the same; do find that it is very much damaged and almost spoiled; It is therefore the Opinion of this Board that the Clerk thereof do write to the said William Hammond acquainting him thereof; And It is hereby Ordered that the said Gun be delivered to the afd William Hammond upon his paying for the same to the honourable Col Charles Hammond for the Use of the Publick the sum of being the Price the said Gun cost in England, and that he be also informed thereof by the Clerk of this Board, but if the said William Hammond refuses to pay the aforesaid Sum; It is likewise ordered that he be prosecuted according to Law. p. 66

At a Council held at the House of his Excellency the Governor in the City of Annapolis on Monday the 7th Day of April in the twenty fifth year of his Lordships Dominion Annoq Domini 1740

Present

His Excellency Samuel Ogle Esqr Governor

The honourable { Benjamin Tasker Esqr
Col Charles Hammond
Col Levin Gale

His Excellency acquainting this Board that he hath this Morning received an Express from his Grace the Duke of

Lib. C. B. Newcastle one of his Majestys Principal Secretarys of State relating to his Majestys Service which requires the immediate Consideration of his Excellency and his Lordp[s] Council, and desires their Advice, how soon the Council may be called together in order to communicate to them; It is the humble Advice of this Board & ordered by his Excellency accordingly that the following Notice be given immediately to the Gentlemen of his Lordships Council

Sir

His Excellency the Governor having this Morning received an Express from his Grace the Duke of Newcastle One of his Majestys Principal Secretarys of State relating to his Majestys Service, which requires the immediate Consideration of his
p. 67 Excellency, and his Lordships Council: I am therefore commanded by the Governor to acquaint you that a Council is to be held the Eleventh of this Instant at which Day your Attendance is desired

Ordered that the following License be granted to the Bearer of the aforementioned Express.

Maryland ss.

Whereas John Maccoy the Bearer hereof is going Express to Pensylvania on his Majestys Service which requires the utmost Dispatch

These are therefore to authorize and impower the said John Maccoy for his better Dispatch to arrest an horse or Horses, if he shall have Occasion, to carry him with the greater Speed through this Province: And if there shall be Occasion I do hereby strictly charge and require the several Sheriffs thro' whose Counties the said John Maccoy shall pass or their several and respective Deputies to furnish and provide for the said John Maccoy an Horse or Horses for the purposes aforesaid; For all which this shall be to the said John Maccoy and the said Sheriffs or their Deputies respectively a sufficient Warrant Given under my Hand and Seal at Annapolis this 7[th] Day of April Anno Domini 1740.

At a Council held at the House of his Excellency the Governor in the City of Annapolis on Friday the 11[th] Day of April in the twenty fifth year of his Lordships Dominion Annoq Domini 1740

Present Lib. C. B.

His Excellency Samuel Ogle Esq[r] Governor

The honourable { Major Gen[l] M. T. Ward, Benja: Tasker Esq[r] } Coł Charles Hammond
{ Edmund Jenings Esq[r] } Coł Levin Gale

His Excellency lays before this Board the following Letter—received by him from his Grace the Duke of Newcastle One of his Majesty's Principal Secretarys of State, as also the following Declaration of War of his Majesty against Spain

Whitehall 29[th] October 1739 p. 68

Sir

I am to acquaint You that on Friday the 19[th] Instant a Great Council was held at Kensington, where His Majesty approved and signed a Declaration of War against Spain, and ordered that the same should be published on Tuesday the 23[d] Instant by the Heralds at Arms, in the usual Places, and with the accustomed Formalities on the like Occasions, which was done accordingly, and I am commanded to send you a printed Copy of the said Declaration, and to signify to you his Majesty's Pleasure, that you cause it to be proclaimed in the Places under your Government, that his Subjects having this Notice may take Care to prevent any Mischief which otherwise they might suffer from the Enemy, and do their Duty in their several Stations to annoy the Subjects of Spain, And His Majesty would have you be very rigorous and severe in preventing any Ammunition or Stores of any kind from being carried to them, and you are to use all proper Methods that may be most effectual for this Purpose

I am Sir

Your most obedient humble Servant

Deputy Gov. of Maryland Holles Newcastle

His Majesty's Declaration of War against the King of Spain

George R.

Whereas many unjust Seizures have been made and Depredations carried on for several Years in the West Indies, by Spanish Garda Costas, and Other Ships, acting under the Commission of the King of Spain, or his Governors, contrary to the Treaties subsisting between Us and the Crown of Spain, and to the Law of Nations, to the great Prejudice of the lawful Trade and Commerce of Our Subjects; and great Cruelties and Barbarities have been exercised on the Persons of divers of Our Subjects, whose Vessels have been so seized, and the

Lib. C. B. British Colours have been insulted in the most ignominious
p. 69 Manner: And Whereas we have caused frequent Complaints to be made to the King of Spain, of these violent and unjust Proceedings, but no Satisfaction or Redress has been given for the same, notwithstanding the many Promises made, and Cedulas issued, signed by the said King, or by his Order, for that purpose: And Whereas the Evils above mentioned have been principally occasioned by an unwarrantable Claim & pretension set up on the Part of Spain, that the Garda Costas, and other Ships, authorized by the King of Spain, may stop detain and search the Ships and Vessels of Our Subjects navigating in the American Seas, contrary to the Liberty of Navigation, to which Our Subjects have not only an equal Right, with those of the King of Spain, by the Law of Nations, but which is moreover expressly acknowledged and declared to belong to them by the most solemn Treaties, and particularly by that concluded in the Year 1670: And Whereas the said groundless Claim and Pretension, and the unjust Practice of stopping, detaining, and searching Ships and Vessels navigating in the Seas of America, is not only of the most dangerous and destructive Consequence to the lawful Commerce of Our Subjects, but also tends to interrupt and obstruct the free Intercourse and Correspondence between Our Dominions in Europe, and Our Colonies and Plantations in America, and by Means thereof to deprive Us and Our Subjects of the Benefit of those Colonies & Plantations; a Consideration of the highest Importance to Us & Our Kingdoms; and a Practice which must affect, in its Consequence, all other Princes and States of Europe, possessed of Settlements in the West Indies, or whose Subjects carry on any Trade thither; And whereas, besides the notorious Grounds of Complaint abovementioned, many other Infractions have been made on the Part of Spain, of the several Treaties and Conventions subsisting between Us and that Crown, and particularly of that concluded in the year 1667, as well by the exorbitant Duties and Impositions laid upon the Trade and Commerce of Our Subjects, as by the Breach of ancient and established Privileges, stipulated for them by the said Treaties; for the Redress of which Grievances the strongest Instances have been, from time to time made, by Our several Ministers residing in Spain, without any Effect;
p. 70 And Whereas a Convention for making Reparation to Our Subjects for the Losses sustained by them, on Account of the unjust Seizures and Depredations committed by the Spaniards in America, and in Order to prevent for the future all the Grievances and Causes of Complaint therein taken Notice of, and to remove absolutely and for ever, everything which might give Occasion thereto, was concluded between Us, and

the King of Spain, on the fourteenth Day of January last Lib. C. B.
N: S: by which Convention it was Stipulated, that a certain Sum of Money should be paid at London, within a Term therein specifyed, as a Ballance admitted to be due on the Part of Spain to the Crown and Subjects of Great Britain; which Term expired on the 25th Day of May last, and the Payment of the said Sum was not made according to the Stipulation for that Purpose; by which Means the Convention above mentioned was manifestly violated and broken by the King of Spain, and Our Subjects remained without any Satisfaction, or Reparation for the many grievous Losses sustained by them; and the Methods, agreed upon by the said Convention, in Order to the obtaining future Security for the Trade and Navigation of Our Subjects, are, contrary to good Faith, frustrated & defeated; in Consequence of which, We found Ourselves obliged, for vindicating the Honour of Our Crown, and for procuring Reparation, and Satisfaction for Our injured Subjects, to order that general Reprisals should be granted against the said King of Spain, his Vassals and Subjects, and their Ships Goods & Effects: And Whereas the Court of Spain has been induced to colour the open Violation of the Convention aforesaid by Reasons and Pretences, which are void of all Foundation, and at the same time has not only published an Order, signed by the said King, for seizing the Ships, Goods and Effects belonging to Us, and Our Subjects, wherever they shall be met with, but has caused Seizures to be actually made of the Goods and Effects of Our Subjects residing in his Dominions, and has also ordered Our said Subjects to depart out of the Spanish Dominions, within a short limited Time, contrary to the express Stipulation of the Treaties between the Two Crowns, even in Case of a War actually declared: We have taken into Our Royal and most serious Consideration these Injuries, which have been offered to Us, and Our Subjects, and the manifest Violation of the several p. 71
Treaties subsisting between the Two Crowns, all which have been in many Particulars eluded, or evaded by the unwarrantable Behaviour of the Court of Spain, and their Officers, notwithstanding the repeated Instances We have given of Our Desire to cultivate a good Understanding with the King of Spain, and the essential Proofs of Our Friendship and Regard for him and his Family, which We have demonstrated to all the World; and being fully satisfied, that the Honour of Our Crown, the Interest of Our Subjects, and that Regard which ought to be had to the most solemn Treaties, call upon Us to make Use of the Power which God has given Us for vindicating Our undoubted Rights, and securing to Our loving Subjects the Privileges of Navigation and Commerce to which

Lib. C. B. they are justly entituled; We therefore, relying on the Help of Almighty God, who knows the Uprightness of Our Intentions, have thought fit to declare, and do hereby declare War against the said King of Spain, and We will, in pursuance of such Declaration, vigorously prosecute the said War, being assured of the ready Concurrence and Assistance of all Our loving Subjects in so just a Cause wherein the Honour of Our Crown, the Maintenance of Our solemn Treaties and the Trade and Navigation of Our Subjects (which are so essential to the Welfare and Prosperity of this Nation, and which We are determined, at all times, with Our utmost Power to preserve and support) are so greatly concerned: And We do hereby will and require Our Generals and Commanders of Our Forces, Our Commissioners for executing the Office of high Admiral of Great Britain, Our Lieutenants of Our several Counties, Governors of Our Forts and Garrisons, and all Other Officers and Soldiers under them, by Sea and Land, to do and execute all Acts of Hostility in the prosecution of this War against the said King of Spain his Vassals and Subjects, and to oppose their Attempts; And we do hereby command as well Our own Subjects, as advertise all other ꝑsons of what Nation soever, not to transport, or carry any Soldiers, Arms, Powder Ammunition, or other contraband Goods, to any of the Territories, Lands, Plantations, or Countries of the said King of Spain; declaring, that whatsoever Ship or Vessel
p. 72 shall be met withall, transporting, or carrying any Soldiers, Arms, Powder, Ammunition or other Contraband Goods, to any of the Territories, Lands, Plantations or Countries of the said King of Spain, the same being taken, shall be condemned as good and lawful Prize

Given at Our Court at Kensington the 19th Day of October 1739 in the thirteenth Year of Our Reign

God save the King

The following Proclamation being read, is approved of, and ordered to issue, with a Copy of His Majestys Declaration of War annexed and sent to the several Counties of this Province

Maryland ss

By His Excellency Samuel Ogle Esqr Governor & Commander in Chief in & over the Province of Maryland

A Proclamation

Whereas I have received His Majestys Declaration of War against the King of Spain given at the Court of Kensington

19th of October 1739 in the 13th year of his Majestys Reign a Lib. C. B.
Copy whereof is hereunto annexed as also a Letter from his Grace the Duke of Newcastle One of his Majesty's Principal Secretarys of State signifying that it is His Majestys Pleasure I should cause the said Declaration to be proclaimed in the Places under my Government I have therefore thought fit with the Advice of his Ldps Council of State to publish this my Proclamation, notifying the said Declaration to all his Majestys Subjects and strictly charging & requiring the several Sheriffs of the respective Counties of this Province at the most publick Places in their said Counties as soon as conveniently may be with all Solemnity possible to proclaim and publish the same And I do hereby further will and require the several Sheriffs of this Province to give Notice to the Magistrates of their respective Counties as soon as possible to meet and appoint a Day for publishing his Majesty's said Declaration and this my Proclamation and I do hereby command the several Sheriffs and all Others his Lordships Officers both Civil & Military, as also the Militia in the respective Counties to attend in the p. 73
handsomest Manner at the time so appointed for performing the same. Given at the City of Annapolis this 11th Day of April in the twenty fifth year of his Lordships Dominion Annoq Domini 1740

His Excellency is pleased also to lay before this Board the following Letter received by him from his Grace the Duke of Newcastle

Whitehall 5th January 1739/40

Sir

His Majesty having thought fit to declare War against Spain and being determined by all possible Means to distress and annoy the Spaniards in the most effectual manner, and particularly by making an Attempt upon some of their most considerable Settlements in the West Indies the King has been pleased for that purpose to order a large Body of Troops under the Command of my Lord Cathcart, a Major General of his Majestys Forces to go from hence with a sufficient Convoy of Men of War, to a proper Place in the West Indies, to be appointed for that purpose, there to be joyned by the Squadron under the Command of Vice Admiral Vernon now in the West Indies, and by such a Number of Troops, as may be raised in his Majestys Colonies and Islands in America

As it has been represented to the King that a very considerable Number of Men may be easily had, upon proper Encouragem[t] in the British Plantations, and particularly in his Majestys Colonies on the Continent of America, to serve in

Lib. C. B. Conjunction with the Regular Troops to be sent from hence, I am to signify to you his Majestys Pleasure that you should forthwith make the proper Dispositions for raising as many Men, as you shall be able to procure in your Government; And as the King intends, that the Troops to be raised in America, should be commanded by Col Spotswood, the whole to be however, after they shall have joyned the Regular Troops under the Command of my Lord Cathcart General and Commander in Chief of all his Majestys Troops sent to, or raised in, America (with which I have by this Occasion acquainted Col Spotswood) It is his Majestys Pleasure that
p. 74 you should confer, or correspond with Col Spotswood, if you have an Opportunity upon Every thing that may relate to the performance of this Service.

Col Blakeney, who is appointed Adjutant General in this Expedition, will set out from hence as soon as possible, with his Majestys Letters and Authorities to you, and the other Governors of his Majestys Colonies on the Continent of America, for making the said Levies, and with the Kings more particular Instructions and Directions relating to this Matter. In the mean time the King has thought proper, that I should give you this previous Notice, that you may be making the necessary Dispositions, in order to facilitate, as soon as possible the raising the Troops. Col Blakeney will carry with him a considerable Number of Arms, some Samples of Cloathing for the Souldiers, and what Money or Credit shall be judged requisite for the Performance of this Service

It is his Majestys Intention to give all proper Encouragement to the New Levies by ordering them to be supplied with Arms, and a proper Cloathing, and to be paid by his Majesty, with an Assurance of their coming in for their Share of any Booty, that may be taken from the Enemy, and of their being sent back to their respective Habitations when the Service shall be over, unless any of them shall desire to settle themselves elsewhere

His Majesty will order to be sent by Col Blakeney a Number of Blank Commissions to be given by the Governors to the Officers that are to command the Troops under Col Spotswood. The King has not thought proper to confine you to any particular Number of Men to be raised within Your Government, His Majesty depending upon your Care and Zeal for his Service, that you will procure as many as you possibly can.

You will consider how much the Time presses, and will therefore use the utmost Expedition in making Your Preparations. It is hoped that my Lord Cathcart may be able to sail from hence in April or May next, and consequently you

will take Care that the Troops to be raised within Your Gov- Lib. C. B.
ernment, may be ready to be transported in time, to the Place,
that shall be appointed for the general Rendezvous with which p. 75
Col Blakeney will acquaint you, as well as with Everything
else that may be necessary for your further Information &
Instruction

You will be considering in what manner to provide Transports and Provisions, and even, if it be necessary, you will secure them out of hand for such a Number of Men, as you shall judge, you shall be able to get within your Government, or you will correspond with any of the Governors of the Neighbouring Colonies, relating to this Matter, in such Manner as you shall think proper

I am persuaded, I need not say anything to induce you to use your utmost Care and Diligence in an Affair of this Importance, and for the promoting the Success of a Service, in which the Honour of His Majesty's Crown and the Interest of his Subjects (especially those residing in America) are so essentially concerned. The many Injuries and Cruelties, which the Inhabitants of the British Plantations have suffered from the Violence and Depredations of the Spaniards, will I doubt not, be an Additional Motive to engage all his Majestys faithful Subjects there, to exert themselves with an uncommon Zeal on this Occasion

I am Sir

Your most obedient humble Servant

Holles Newcastle

P: S:

Tho Col Blakeney will be dispatched as soon as possible with his Majestys more particular Instructions, and Directions to you, Yet that no Time may be lost, It is his Majestys Pleasure, that, immediately upon the Receipt of this Letter you should summon a Council and communicate to them his Majestys Orders for the better enabling you to put them in Execution, and that you should also forthwith issue a Proclamation in the proper Form, inviting his Majestys Subjects within your Government chearfully to inlist in this Service, & assuring them of a proper Encouragement for that purpose

H: N:

The following Proclamation being read is approved and ordered to issue, and It is likewise Ordered that two hundred Copies of them be immediately printed to be distributed in the several Counties of this Province, which was done accordingly

Lib. C. B. p. 76

By His Excellency Samuel Ogle Esq[r] Governor and Commander in Chief in and over the Province of Maryland.

A Proclamation

Whereas His Majestys Pleasure has been signifyed to me by his Grace the Duke of Newcastle One of his Majestys Principal Secretarys of State, by his Graces Letter of the 5[th] of January last, That his Majesty having thought fit to declare War against Spain, and being determined by all possible means to distress and annoy the Spaniards in the most effectual manner, and particularly by making an Attempt upon some of their most considerable Settlements in the West Indies, has been pleased, for that purpose to order a large Body of Troops, under the Comand of the Lord Cathcart, a Major General of his Majestys forces, to come from Great Britain with a sufficient Convoy of Men of War, to a proper Place in the West Indies, to be appointed for that Purpose, to be joyned by the Squadron under the Command of Vice Admiral Vernon now in the West Indies, and by such a Number of Troops, as may be raised in his Majestys Colonies and Islands in America: And that it had been represented to his Majesty, that a very considerable Number of Men may be easily had, upon proper Encouragement, in the British Plantations, and particularly in his Majestys Colonies on the Continent of America, to serve in Conjunction with the Regular Troops to be sent from home; of all which his Majesty thought proper that Notice should be given, in order that the necessary Dispositions might be made for facilitating as soon as possible the raising the said Troops, to be commanded by Col Spotswood

And Whereas his Majesty has been most graciously pleased to declare his Royal Intentions to give all proper Encouragement to the New Levies, by ordering them to be supplied with Arms, and proper Cloathing and to be paid by his Majesty;
p. 77 with an Assurance of their coming in for their Share of any Booty that may be taken from the Enemy, and of their being sent back to their respective Habitations, when the Service shall be over, unless any of them shall desire to settle themselves elsewhere: And that His Majesty will order to be sent by Col Blakeney, Adjutant General of all the Forces (who may be very soon expected) a Number of blank Commissions, to be given by the several Governors to the Officers who are to command the Troops under Col Spotswood, and that Transports and all Necessaries will be provided to carry the Troops to the Place of general Rendezvous

In Obedience therefore to his Majestys Royal Commands I

have with the Advice of his Lordships Council of State, issued this my Proclamation, to invite his Majestys faithful and Loyal Subjects within this Province, chearfully to inlist themselves to serve in so great and glorious an Enterprize, wherein the Honour of his Majestys Crown, and the Happiness of all his Majestys Subjects, and more especially the Inhabitants of the British Colonies, are so essentially concerned; & wherein there is the greatest Prospect, that such as shall behave themselves well, will advance their Fortunes, as they will by such Behaviour certainly recommend themselves to his Majestys Royal Favour; And I am encouraged to hope that many People in this Province will be induced to enlist, by his Majestys giving the immediate Command of the Forces to be raised in America to the honourable Col Spotswood, who is known to be an Officer of great Experience and Bravery, has lived many years in Virginia, and is personally interested in promoting the Happiness of the Colonies on the Continent, and in doing everything in his Power for the Advantage of the American Troops. And in Order that this my Proclamation may be made known, I do strictly charge and require the several Sheriffs of this Province to publish the same in the usual manner, and also to affix Copies thereof in the most publick Places of their said Counties as they will answer the contrary at their Peril Given at the City of Annapolis this Eleventh Day of April in the 25th Year of his Lordships Dominion Annoq Dni 1740 Lib. C. B.

At a Council held at the House of his Excellency the Governor in the City of Annapolis on Tuesday the 22d Day of April in the twenty Sixth Year of His Lordships Dominion Annoq Domini 1740. p. 78

Present

His Excellency Samuel Ogle Esqr Governor

The honourable { Major General Ward, Benj. Tasker Esqr } { Edmund Jenings Esqr, Col Charles Hammond }

His Excellency acquaints the Board that he has nominated Samuel Chamberlain Esqr a Member of his Lordships honourable Council, and that he now attends in Order to be qualified

Whereupon the said Samuel Chamberlain takes the Oaths to the Government, and the Oath of a Councillor, and subscribes the Abjuration and Test, and takes his Place at the Board accordingly

This being the Day appointed for the Meeting of the Assembly and His Excellency informing the Board, that he hears there is not a sufficient Number of Members of the Lower

Lib. C. B. House in Town to make a House, desires their Opinion what is necessary to be done, who advise that his Excellency be pleased to order Proclamation to issue to prorogue the Assembly till to Morrow being the 23[d] Instant which Proclamation issued accordingly.

At a Council held in the Council Chamber on Monday the 28[th] of April in the twenty sixth year of his Lordships Dominion Annoq Domini 1740

Present

His Excellency Samuel Ogle Esq[r] Governor

p. 79

The honble	Major General Ward	Col Charles Hammond
	Benjamin Tasker Esq[r]	Col Levin Gale
	George Plater Esq[r]	Col James Harris
	Edmund Jenings Esq[r]	Samuel Chamberlain Esq[r]

The following Warrant being read is approved of, And It is the humble Advice of this Board to his Excellency that he be pleased to order the same to issue to such persons as shall apply to him for Warrants to inlist Men in this Province

Samuel Ogle Esq[r] Governor and Commander in Chief in and over the Province of Maryland

To A: B: of C: County Gentleman Greeting

His Majesty having been pleased to signify his Royal Pleasure that so many Men may be raised within this Province with all possible speed as can be raised to be commanded by the honourable Col Alexander Spotswood and to joyn a Body of His Majestys Regular Forces to be sent from Great Britain under the Command of the Right Honourable the Lord Cathcart General and Commander in Chief of all his Majestys Forces to be sent from Great Britain and of those raised in America at the Place of General Rendezvous in order to attack the Spanish Settlements in America These are therefore to authorize and impower of County to raise and inlist so many Men as shall be willing to serve his Majesty in the said Expedition Given at Annapolis this Day of in the twenty Sixth Year of his Lordships Domin Annoq Domini 1740.

At a Council held in the Council Chamber on Tuesday the Sixth Day of May in the twenty Sixth Year of His Lordships Dominion Annoq Domini 1740

Present Lib. C. B.

His Excellency Samuel Ogle Esq[r] Governor p. 80.

The hon̄ble { Benjamin Tasker Esq[r] | Col Levin Gale
Philip Lee Esq[r] |
Edmund Jenings Esq[r] } Col James Harris
Col Ja[s] Hollyday |
Col Charles Hammond } Sam[l] Chamberlain Esq[r]

His Excellency is pleased to lay before this Board a Letter received by him from M[r] Samuel Chew One of his Lordships Justices for Ann Arundel County with the following Deposition inclosed

Ann Arundel County ss.

Upon the third Day of May 1740 came before me the Subscriber One of his Lordships Justices of the Peace for the County aforesaid Thomas Walker a Souldier inlisted to serve in his Majestys Army under the Command of the honourable Col Alex. Spotswood, who made Oath on the holy Evangelists of Almighty God that on the 30[th] day of April last at Night Robert Connant Constable of Herring Creek Hundred assisted by Two Other Men, by Virtue of a Warrant seized on Two Persons for small Debts both which said Persons was duly inlisted and qualified according to Act of Parliament and when the said Constable was told that the said Debtor was by Law cleared from Arrest by his being his Majestys Souldier, he the said Rob[t] Connant the Constable did in a very impudent and arrogant Manner curse his Majesty King George in these Words, Viz. God damn King George and all his Souldiers, and spoke several other disrespectful Words against his said Majesty and Authority Given under my hand and Seal this third Day of May Anno Domini 1740

Sam[l] Chew

Ordered that a Warrant be prepared directed to the Sheriff of Ann Arundel County to apprehend the said Connant & bring him immediately before this Board, which issued in the following Words p. 81

Maryland ss.

Whereas it appears to Us the Subscribers, Members of his Lordships honourable Council met in Council at the City of Annapolis the 6[th] Day of May 1740, by the Deposition of a Certain Thomas Walker taken before Samuel Chew One of the Justices of Ann Arundel County that a Certain Robert Connant did on the 30[th] of April last curse his Majesty King George.

Lib. C. B. These are therefore in his Lordships Name to will and require you that immediately on Receipt hereof you attach arrest and apprehend the Body of him the said Robert Connant and bring him forthwith before Us at the City afores[d] to answer unto such Matters as shall be then and there objected against him, for which this shall be your sufficient Warrant Dated at Annapolis this 6th Day of May Anno Domini 1740

Sam: Ogle
Benj[a] Tasker
Philip Lee
Edm: Jenings
Ja[s] Hollyday
Ch[a] Hammond
Levin Gale
Ja[s] Harris
Sam[l] Chamberlain

To
M[r] John Darnall
high Sheriff of Ann
Arundel County

At a Council held in the Council Chamber at the City of Annapolis on Friday the ninth Day of May in the twenty Sixth year of his Lordships Dominion Annoq Domini 1740

Present

p. 82 His Excellency Samuel Ogle Esq[r] Governor

The honourable
Benjamin Tasker Esq[r]
Philip Lee Esq[r]
Edm: Jenings Esq[r]
Col[o] Ja[s] Hollyday
Col[o] Charles Hammond
Col[o] Levin Gale
Col James Harris
Sam[l] Chamberlain Esq[r]

The Sheriff of Ann Arundel County having made Return of the Warrant directed to him from this Board, that he had apprehended the said Robert Connant therein mentioned, is ordered to bring him before this Board, who appearing, the Deposition of Thomas Walker was read unto him, and he not offering any thing satisfactory to acquit himself of the Crime laid to his Charge is ordered to withdraw.

It is the Opinion of this Board that the said Rob[t] Connant be committed to the Custody of the Sheriff of Ann Arundel County, and that a Mittimus be prepared accordingly, which being done, issued in the following Words

Maryland ss.

Whereas there is a Charge made before Us the Subscribers Members of his Lordships honourable Council met in Council at the City of Annapolis 9[th] of May 1740 by the Deposition of a certain Thomas Walker taken before Samuel Chew One

of the Justices of Ann Arundel County against a certain Robert Connant for cursing his Majesty King George Lib. C. B.

These are therefore in his Lordships Name to will and require you to take into Your Custody the Body of him the s[d] Robert Connant and him safely to keep until he shall be discharged by due Course of Law, for which this shall be your sufficient Warrant Dated at Annapolis this Ninth Day of May Anno Domini 1740

Sam: Ogle

Benj. Tasker	Ja[s] Hollyday	James Harris
Philip Lee	Cha[s] Hammond	
Edm: Jenings	Levin Gale	Sam[l] Chamberlain

At a Council held in the Council Chamber on Wednesday the 21[st] Day of May in the twenty sixth Year of his Lordships Dominion Annoq Domini 1740. p. 83.

Present

His Excellency Samuel Ogle Esq[r] Governor

The hon̄ble

Major Gen[l] Ward	Edmund Jenings Esq[r]
Benj. Tasker Esq[r]	Col Ja[s] Hollyday
Philip Lee Esq[r]	Col Levin Gale
George Plater Esq[r]	Col James Harris

His Excellency is pleased to lay before this Board a Letter received by him from the Governor of Virginia Viz:

Williamsburg 30[th] April 1740

Sir

The Occasion of this, is to inform you, that Hugh McDonnel of the County of Prince George in Maryland was bound over by Recognizance by the Court of Prince William in this Colony to appear and give Evidence against Joshua Harp for Horse stealing and failed to appear, upon which the Prisoner is contined over to the Court of Oyer and Terminer for Tryal

I therefore desire the favour of you to use your Endeavours to order him to appear at Our next Court of Oyer and Terminer, which is to be held on the second Tuesday in June next that the Tryal may no longer be detained

I am with great Respect

Sir, Your most humble Servant

Will: Gooch

It is the humble Advice of this Board to his Excellency that the Chief Justice of the Provincial Court be desired, to issue p. 84

Lib. C. B. his Warrant for apprehending the said McDonnel, in the following Words

21st May 1740

Sir

The Governor of Virginia having by his Letter dated the 30th of last April acquainted his Excellency the Governor that Hugh McDonnel of Prince Georges County was bound over by Recognizance by the Court of Prince William County in Virginia to appear and give Evidence against Joshua Harp for Horse Stealing and failed to appear upon which the Prisoner is continued over to the Court of Oyer and Terminer to be held the second Tuesday in June next And whereas It is evidently for the Interest and Security of his Majestys Subjects in both Colonies, that the respective Governments should contribute their Endeavours to bring Offenders to Justice You are therefore hereby desired and required to issue Your Warrant against the sd McDonnel and cause him to be brought before you and to enter into a Recognisance in a sufficient Sum to appear at the Court of Oyer and Terminer to be held at Williamsburg in the Colony of Virginia the second Tuesday of June next to testify the truth of his Knowledge for his Majesty against the said Harp

To the Honble Col Levin Gale
Chief Justice of the Provincial Court

His Excellency is pleased to lay before this Board the foll Depositions

Charles County ss. 3d March 1739

The Deposition of John Chesley aged about thirty six years or thereabouts taken before Mr Allen Davis and Mr William Middleton two of his Lordships Justices for the County aforesaid, he this Deponent saith that he was in Company with a Certain Charles Craycroft at a Public House in Benedict Town and taking the said Craycroft to be in Liquor heard him say that the Reason why the Pretender was not Heir to
p. 85 the Crown, was owing to King James the second abdicated the Throne of England and an Act of Parliament that hindered any Papist from being King of England and further saith not

Jno Chesley

Allen Davis

3d March 1739

Sometime January last I this Deponent being at Benedict Town declares on his Oath that he heard Mr Charles Craycroft say that if the Spaniards had the same Resolution that he had

that he would not doubt but bring the Pretender into England and further saith not Lib. C. B.

The above Deposition was taken before Allen Davis — John Estep

Charles County ss. — 3d March 1739

The Deposition of Saml Perrie aged 26 years or thereabouts taken before Allen Davis and William Middleton two of his Lordships Justices of the Peace for the County aforesaid He this Deponent saith that some time ago he was in the Company of Mr Charles Craycroft and some Others and was talking about a War, the said Craycroft said that he was Prince of Wales and that if the Spaniards had his Resolution he would bring the Pretender in, and drive Us all to Hell, and further this Deponent saith not

Allen Davis — Saml Perrie

Ordered that a Warrant be prepared directed to the Sheriff of Charles County to apprehend the said Craycroft and bring him immediately before this Board, which issued in the following Words.

Maryland ss.

Whereas It appears to Us, the Subscribers Members of his Lordships honourable Council met in Council at the City of Annapolis the 21st Day of May 1740 by several Depositions that a Certain Charles Craycroft did sometime in Ianuary last at Benedict Town in the said County utter several seditious Words against his Majesty King George

These are therefore in his Lordships Name to will and require you that immediately on Receipt hereof you attach arrest and apprehend the Body of him the said Charles Craycroft and bring him forthwith before Us at the City aforesaid to answer unto such Matters as shall be then & there objected against him for which this shall be your sufficient Warrant. Dated at Annapolis this 21st Day of May Anno Domini 1740 p. 86

	Geo. Plater	Sam: Ogle
To Mr Walter Hanson	Ed: Jenings	Mr T. Ward
high Sheriff of Charles	Ja: Hollyday	Benja Tasker
County	Levin Gale	Philip Lee
	Ja: Harris	

At a Council held in the Council Chamber on Saturday the 24th Day of May in the twenty Sixth year of his Lordships Dominion Annoq Domini 1740.

Lib. C. B.

Present

His Excellency Samuel Ogle Esq[r] Governor

The hon̄ble	Major Gen[l] Ward	Col Ja[s] Hollyday
	Benj. Tasker Esq[r]	Col Charles Hammond
	Philip Lee Esq[r]	Col Levin Gale
	Geo: Plater Esq[r]	Col James Harris
	Edm: Jenings Esq[r]	Sam[l] Chamberlain Esq[r]

The Sheriff of Charles County having made Return of the Warrant directed to him from this Board, that he had apprehended the said Charles Craycroft therein mentioned, is ordered to bring him before this Board, who appearing, the Depositions of John Chesley John Estep and Samuel Perrie were read unto him, and he not offering any thing satisfactory to acquit himself of the Crime laid to his Charge, is ordered to withdraw.

p. 87 It is the Opinion of this Board that the said Charles Craycroft be committed to the Custody of the Sheriff of Charles County, and that a Mittimus be prepared accordingly, which being done, issued in the following Words

Maryland ss.

Whereas It appears to Us, the Subscribers Members of his Lordships honourable Council met in Council at the City of Annapolis the 24th Day of May 1740 by several Depositions that a Certain Charles Craycroft did sometime in January last at Benedict Town in the said County utter several disrespectful & seditious Words against his Majesty King George

These are therefore in his Lordships Name to will and require you to take into Your Custody the Body of him the said Charles Craycroft and him safely to keep until he shall be discharged by due Course of Law, for which this shall be your sufficient Warrant. Dated at Annapolis this 24[th] Day of May Anno Domini 1740.

Levin Gale	Geo. Plater	Sam: Ogle
Ja[s] Harris	Edm: Jenings	M[r] T. Ward
Sam. Chamberlain	Ja[s] Hollyday	Benj[a] Tasker
	Ch[s] Hammond	Philip Lee

To M[r] Walter Hanson high Sheriff of Charles County

His Excellency having communicated to this Board the Report made to him by the Judges of Assize of the Eastern & Western Shoars of the Proceedings in their several Circuits held in April last, And it appearing by the Return of the Iustices of the Eastern Shoar, that they had passed Sentence of Death upon a Certain Mary Spearman for Burglary, and for-

asmuch as it does not appear to this Board that the said Mary Spearman is a notorious Offender; It is the humble Advice of this Board to his Excellency that he would be pleased to grant a Pardon to the said Mary Spearman, which His Excellency ordered to issue, and which issued accordingly. Lib. C. B.

At a Council held in the Council Chamber on Thursday the 5th Day of June in the twenty sixth Year of his Lordships Dominion Annoq Dimini 1740 p. 88

Present

His Excellency Samuel Ogle Esqr Governor

The honourable	Major Genl. Ward	Coł James Hollyday
	Benj. Tasker Esqr	Coł Charles Hammond
	George Plater Esqr	Coł Levin Gale
	Edmund Jenings Esqr	Coł James Harris
		Saml Chamberlain Esqr

Ordered that the Clerk of this Board draw an Order on the honourable Coł Charles Hammond Treasurer of the Western Shoar payable to Mr Onorio Razolini or Order for forty Pounds Sterling being his Years Salary as Armourer of this Province ending the 4th Instant to be paid out of the Fund of 3d ℔ hogshead for Arms &c.

Ordered that the honourable Coł Charles Hammond Tresurer of the Western Shoar send to Mr Samuel Hyde Merchant in London for 300 Cutting Swords and Belts, 40 Brass Trumpets 40 Drums, 5000 Gun flints, 600 £wt of Musket Ball, 300 £wt of Pistol Ball, 1 Mwt of Pistol Powder, and that he direct Mr Hyde to charge the Costs thereof to the Fund of 3d ℔ hogshead for purchasing Arms and Ammunition lodged in his the said Hydes hands

Ordered that the honourable Coł James Hollyday Trear. of the Eastern Shoar send to Mr William Hunt Merchant in London for 300 Pair of Pistols with Leathern Holsters without Holster Caps and that He direct Mr Hunt to charge the Costs thereof to the Fund of 3d ℔ hogshead for purchasing Arms and Ammunition lodged in his the said Hunts Hands

Ordered that the Clerk of this Board write to Mr Saml Hyde Merchant in London to send in 400 light Muskets with Bayonets for the Use of this Province, and that Mr Hyde be directed to charge the Costs thereof to the Ballance of the Fund of 3d ℔ hhd for purchasing Arms and Ammunition lodged in his Hands by Samuel Young Esqr late Treasurer of the Western Shoar p. 89

Ordered that the Printer print twelve Copies of the Law, Entituled an Act for issuing and paying out of the Office of the

Lib. C. B. Commissioners or Trustees for emitting Bills of Credit established by Act of Assembly the Sum of 2562: 10: 0 Current Money in Bills of Credit to be applyed for the Encouragem[t] of Persons voluntarily enlisting themselves in his Majestys Service, for the Use of the several Agents therein appointed

At a Council held at the House of his Excellency the Governor in the City of Annapolis on Monday the 30[th] day of June in the twenty sixth year of His Lordships Dominion Annoq Domini 1740

Present

His Excellency Samuel Ogle Esq[r] Governor

The Honourable { Benjamin Tasker Esq[r] / Edmund Jenings Esq[r] / Col Charles Hammond }

His Excellency is pleased to lay before this Board the following Letter received by him from his Grace the Duke of Newcastle, One of his Majestys Principal Secretarys at State, as also His Majesty's Instructions to him in the following Words.

Whitehall 5[th] April 1740

Sir

I acquainted you, by my Letter of January 5[th] with his Majestys Intentions to send from hence a large Body of Forces under the Command of my Lord Cathcart, in order to make an Attempt upon some of the most considerable of the Spanish Settlements in the West Indies; which are to be joined by such a Number of Troops, as may be raised in his Majestys
p. 90 Colonies, and Islands in America, And at the same [time], I sent you his Majesty's Directions to be making the necessary Dispositions, in order to facilitate, as soon as possible, the raising the Troops within Your Government; and I informed you, that Col Blakeney, who is appointed Adjutant General in this Expedition, would set out from hence as soon as possible, with the Kings more particular Instructions, and Directions to you, and the other Governors in America, relating to this Matter; and his Majesty doubts not, but that, in Consequence of these Orders you will have taken the necessary Steps to get the Levies in as much Forwardness as possible

I now send you inclosed His Majestys Instructions, under his Royal Sign Manual, containing particular Directions for Your Conduct in every thing relating to the Performance of this Service, which are so full, that they leave me Nothing to add, but to recommend to you the utmost Care and Diligence

in the Execution of his Majesty's Orders; and particularly in Lib. C. B.
procuring as great a Number of Men as you possibly can, to enlist, which by the great Encouragement, which (you will see by your Instructions) His Majesty has thought fit to give to such Persons as shall enter into his Service on this Occasion, It is to be hoped may be easily done, You will see, that Col Blakeney carrys with him from hence only 3000 Arms, you will not however limit the number of Men to be raised within your Government, in proportion to that Number of Arms, since my Lord Cathcart will carry with him a Quantity of spare Arms and Cloathing, in Case it should be practicable to raise a greater Number than the Three Thousand for which Col Blakeney carrys with him Arms and Money for their Subsistence

As you cannot but be Sensible of the great Importance of this Service, and how much the Honour of his Majestys Crown and the Interest of his Subjects (especially those in America) are concerned in the Success of this Expedition, I am perswaded you will omit nothing on Your Part that may p. 91
contribute thereto, by doing all that lies in your Power to promote the Levies as soon, and as effectually as may be, in which you will judge from the advanced Season there is no time to be lost; And you may be assured, that your Zeal in the Execution of the Kings Orders on this Occasion, will be very graciously accepted by his Majesty

Major General Spotswood whom his Majesty has been pleased to appoint Quarter Master General in this Expedition, Col of the Troops to be raised in America, will receive his Majestys Directions to sail with such a Number of the said Troops, as He can get together so as to be at the Place appointed for the General Rendezvous by the latter End of August, or the Beginning of September next, And he will leave Directions with proper Persons to follow him with the rest of the Troops, as they shall be raised

And if you should find Difficulty in raising the Men within Your Government, by the Methods that may occurr to you for that purpose, It is his Majestys Pleasure, that you should, in that Case, permit Major General Spotswood, Coł Blakeney, or any persons appointed by them to beat up for Voluntiers, and that you should, to the utmost of Your Power assist them in it

I heartily wish you Success in the Execution of His Majestys Orders, and am

Sir

Dep^ty^ Gov. of Maryland Your most humble Servant

Holles Newcastle

Lib. C. B. George R.

Instructions for Our trusty & Welbeloved Samuel Ogle Esq[r] Deputy Governor of Our Province of Maryland in America, or the Deputy Governor or Commander in
p. 92. Chief of Our said Province for the time being Given at Our Court at S[t] James's the second Day of April 1740 in the thirteenth Year of Our Reign

Having been called upon by repeated Provocations to declare War against Spain, we are determined, by God's Assistance in so just a Cause, to vindicate the Honour of Our Imperial Crown, to revenge the Injuries done to Our Subjects, to assert their undoubted Rights of Commerce and Navigation, and by all possible Means to attack, annoy and distress a Nation, that has treated Our People with such Insolence and Barbarity

1. We have therefore given Orders for the equipping and setting forth of an Expedition against the Territories of the Catholick King in the West Indies, which will consist of a large Squadron of Our Ships of War, and of a considerable Number of Our Land forces, with a suitable Train of Artillery, Storeships and Transports; The Fleet to be commanded by Our trusty and Welbeloved Edward Vernon Esq[r] Vice Admiral of the Blue Squadron of Our Fleet, and Commander in Chief of Our Ships employed, or to be employed in the West Indies, and the Land forces by Our Right Trusty and Welbeloved Charles Lord Cathcart, Major General of Our Forces, whom We have appointed Our General and Commander in Chief of the said Expedition

We have also determined to raise a Body of Troops in Our Colonies on the Continent of North America, to join Those to be sent from hence at a particular Rendezvous, which will be appointed for that Purpose and to act in Conjunction with them, under the Command of Our said General, in such Dispositions as shall be made for Our Service; And although We have not thought fit to fix any particular Quota for Our Province of Maryland under your Government, because We would not set Bounds to their Zeal for Our Service, yet considering the great Number of Inhabitants in Our said Province, and that they have of late Years been much encreased, We doubt not in the least but they will exert themselves upon this
p. 93 Occasion, as far as the Circumstances of the Colony will allow, being assured, they cannot render a more acceptable Service to Us, and to their Mother Country, or do any thing more essential for their own Interest

2. It is Our Will and Pleasure, that you do, with the utmost Zeal and Diligence, promote and encourage so necessary a

Disposition ; for which purpose you will forthwith summon all Lib. C. B.
Our Councillors to attend You in Council, and communicate to them these Instructions, that they may be the better able to advise and assist you in the Execution of them, and in the appointing of such Officers for the Command of the several Companies to be raised, as are known to be Men of Interest in their Country, & well disposed to Our Service

3. It is Our Intention, that the Troops to be raised in Our Province of Maryland, shall consist of Companies of One hundred Men each including four Serjeants, four Corporals and Two Drummers, besides their Commission Officers, which shall be One Captain, Two Lieutenants & an Ensign; But We have reserved to Ourselves the Nomination of the Field and Staff Officers, and of One Lieutenant for Each Company, who will be Men of Experience in Service, and sent from hence for their Assistance to meet them at the General Rendezvous appointed in the West Indies Your Troops will likewise be furnished, with One Serjeant for Each Company, by Draughts of Old Soldiers out of the Four Independent Companies at New York, for which purpose the necessary Orders will forthwith be given ; All the other Officers are left to your Nomination, and you will receive Blank Commissions under Our Sign Manual for them, to be filled up with such Persons, as you shall think proper, taking the Advice, & even the Recommendation of Our Council therein, so far as may be consistent with Our Service, and the Dispatch requisite upon this Subject. But if the Number of Blank Commissions sent to you upon this Occasion, shall happen to be more than the Companies raised in your Government do require, You are hereby directed to return the Remainder by the first Opportunity to One of p. 94
Our Secretarys of State; And you shall return a List of the Officers, whose Names you shall have inserted in any Commissions, by Virtue of these Our Instructions; to whom the same shall be delivered free of all Charges, and without Fee, Gratuity or Reward, upon Pain of Our highest Displeasure

4. You are likewise directed forthwith to issue a Proclamation giving Notice of Our Royal Intentions in this behalf, inviting Our good Subjects chearfully to enlist in Our Service, and assuring them, that the Troops to be raised in pursuance of these Our Instructions, as well Officers as Soldiers, shall enter into Our Pay, and enjoy the same Rank and Pay with the Rest of Our British Troops, so long as they shall continue in Our Service

5. And that you may be the more fully informed of Our Pleasure, with Respect to the Troops to be raised in your Province, We have thought fit to declare, that all the Serjeants, Corporals, Drum̃ers and private Soldiers shall be entitled to

Lib. C. B. receive Our Pay from the respective Days on which they shall be enlisted, pursuant to such Certificates as you shall judge sufficient for that purpose, and that the Commission Officers shall enter into Pay from the Day their Commissions bear Date, & they shall take Post and Rank in the respective Battalions, into which they shall be formed, according to the Date of the Certificates by which it shall appear when each Captain respectively had compleated his Levies

6. And as a farther Encouragement to such Officers and Soldiers, as shall engage in the present Expedition, you may assure them in Our Royal Name, that the Soldiers shall not only be cloathed and Armed, according to the Samples that
p. 95 will be sent herewith, & furnished with Tents, and entertained in Our Pay, but that, after their Arrival at the general Place of Rendezvous, they shall be provided for in every other Respect as Our British Troops; That they shall likewise have their just Share and Proportion of all Plunder, or Booty gained or taken from the Enemy, according to their Services, and if, by the Blessing of God upon Our Arms, any of the Enemy's Lands or Settlements shall fall into Our Hands, Our American Troops shall have a Share thereof, as well as the Rest of Our Forces, in Preference to all other Persons that shall not have engaged in the present Expedition.

7. And We do further declare, that so soon as the present Expedition shall be determined, whatever the Success thereof may be, all the Troops raised in Our American Colonies for this Purpose, as well Officers, as Soldiers shall have free Leave to return to their respective Provinces, and shall be transported thither at Our Expence, except Those only, that shall chuse, for their own Advantage to settle or remain in such Places or Garrisons, as may fall into Our hands, where they shall receive all due Encouragement, and the Soldiers, whether they remain there, or return home, after the said Expedition, shall retain their Arms & Cloathing

8. But We trust and expect that Our Assembly of Maryland, will provide Victuals, Transports, and all Other Necessarys for the Troops to be raised in Our said Province, except Cloaths, Tents, Arms, Ammunition and Pay, till their Arrival at the General Rendezvous in the West Indies, from which Time the said Transports shall enter into Our Pay; And you are hereby directed, without Loss of time, to recommend to the said Assembly, in Our Name, to make such Provision, that the Expedition may not be retarded for Want thereof

9. We recommend to you also to engage such Persons
p. 96 within Your Province in the present Expedition, both for the Transport and Land Service, as have at any time been resident in, or have a particular Knowledge of the Spanish Ports,

Coasts or Settlements in the West Indies; And you may Lib. C. B.
assure such as are able Pilots for the said Coasts, that their Service shall meet with all suitable Encouragement

10. And that Nothing may be wanting on Our Part towards the promoting and compleating of this important Design, We have thought fit to appoint Our trusty and Welbeloved Major General Alexander Spotswood to be Quarter Master General of all Our Forces in this Expedition & to take upon him the Command, Conduct, Discipline, Disposition & Embarcation of Our American Troops, so soon as they shall be raised; You are therefore from time to time to correspond, conferr and advise with the said Major General Alexander Spotswood in all Matters that may tend to the promoting these Levies, & the Completion of Our Design

11. We have also thought fit to dispatch Our trusty & welbeloved Colonel William Blakeney from hence, whom We have appointed to be Adjutant General of all Our Forces to be employed in the present Expedition with Samples of Cloaths, & also with Arms, Ammunition and Other Necessaries for the Use of Our American Troops, and whatever may be farther wanting shall be sent them, either before their Embarcation, or shall meet them at the General Place of Rendezvous in the West Indies; And as We repose especial Trust and Confidence in the said Colonel Blakeney, It is Our Pleasure, that you should admit him also into all your Consultations, relative to these Our Instructions, whenever He shall be within your Precincts

12. We depend upon your punctual Complyance with these Our Instructions; We recommend the several Matters therein contained to you Our Deputy Governor, to Our Council, to p. 97
Our Assembly, & to all Our Good Subjects in Maryland, so far as may concern them respectively, and We do expect, that you should by the first, & by every other Occasion that may offer, send Us a full and clear Account of Your Proceedings herein by Letter, directed to One of Our Secretarys of State.

G: R:

It is the humble Advice of this Board to his Excellency that he be pleased to order a Proclamation to be drawn up notifying the same, which Proclamation being prepared, is read at this Board and approved of & ordered to issue as follows

Maryland ss.

By His Excellency Samuel Ogle Esq[r] Governor & Commander in Chief in & over the Province of Maryland

A Proclamation

Whereas His Majesty by his Royal Instructions bearing

Lib. C. B. Date at S[t] James's the second of April last, has been graciously pleased to signify his Royal Will and Pleasure to me, that His Majesty hath determined to raise a Body of Troops in his Majestys Colonies on the Continent of North America, to joyn the Troops to be sent from Great Britain, at a particular Place of Rendezvous to be appointed for that purpose, and to act in Conjunction with them under the Command of the Right honourable the Lord Cathcart, General and Commander in Chief of all his Majestys Forces in America, in such Dispositions as shall be made for his Majestys Service: And that altho' His Majesty has not thought fit to fix any particular Quota for this Province, because his Majesty would not limit the Zeal of his Loyal Subjects, yet considering the great Number of Inhabitants in this Province, and that they have of late years been much increased, His Majesty is most graciously pleased to declare, that His Majesty doubts not in the least but they will exert themselves upon this Occasion, as far as the Circumstances of this Colony will allow, being assured
p. 98 they cannot render a more acceptable service to His Majesty and their Mother Country, or do any thing more essential for their own Interest: And I am directed, with the utmost Zeal and Diligence to promote and encourage so Necessary a Disposition, and to appoint such Officers for the Command of the several Companies to be raised as are known to be Men of Interest in their Counties and well disposed to his Majestys Service

His Majesty has therefore commanded me forthwith to issue a Proclamation, giving Notice of his Royal Intentions in this Behalf, inviting his Majestys good Subjects to inlist in his Service, and assuring them that the Troops to be raised in pursuance of his Majestys Instructions as well Officers as Soldiers shall enter into his Majestys Pay, and enjoy the same Rank and Pay with the rest of his Majestys British Troops so long as they shall continue in his Majestys Service.

His Majesty has thought fit to declare, that all the Serjeants Corporals Drummers and private Soldiers, shall be entitled to receive his Majestys Pay from the respective Days on which they shall be enlisted pursuant to such Certificates as I shall judge sufficient for that purpose; and that the Commission Officers shall enter into Pay from the Day their Commissions bear date, and that they shall take Post and Rank in the respective Battalions into which they shall be formed, according to the Dates of the Certificates by which It shall appear when Each Captain respectively had compleated his Levies. And as a further Encouragement to such Officers and Soldiers as shall engage in the present Expedition, I am comanded by his Majesty to assure them in his Royal Name, that the

Soldiers shall not only be cloathed and armed according to the Lib. C. B.
Samples sent with His Majestys Instructions, and furnished with Tents, and entertained in his Majesty's Pay, but that, after their Arrival at the General Place of Rendezvous, they shall be provided for in Every other Respect as his Majesty's British Troops, that they shall have their just Share and Proportion of all Plunder and Booty gained or taken from the Enemy according to their Services and if by the Blessing of God upon his Majestys Arms any of the Enemies Lands or Settlements shall fall into his Majestys hands His Majesty's p. 99
American Troops shall have a Share thereof as well as the rest of his Maj. Forces, in Preference to all Persons who shall not have engaged in the present Expedition And His Majesty has been graciously pleased further to declare, that so soon as the present Expedition shall be determined, whatever the Success thereof may be, all the Troops raised in his Majesty's American Colonies for this Purpose, as well Officers as Soldiers, shall have free Leave to return to their respective Provinces, and shall be transported thither at his Majestys Expence, except Those only that shall chuse for their own Advantage to settle or remain in such places or Garrisons as may fall into his Majestys Hands, where they shall receive all due Encouragement and the Soldiers, whether they remain there or return home after the s^{d} Expedition shall retain their Arms and Cloathing

I Do therefore, in Obedience to his Majestys Royal Commands with the Advice of his Lordships Council of State, issue this my Proclamation most earnestly to invite all his Majestys faithful Subjects within this Province chearfully to enlist themselves in his Majestys Service in this glorious Expedition which promises so many Advantages to themselves, and secures to them the favour of their Prince, and the Esteem and Affection of all his Majestys Loyal Subjects. And I do hereby desire and exhort all who encline to engage in the present Expedition, to repair to me at Annapolis, without Loss of Time to inlist themselves in his Majestys Service, assuring them that they shall have all due Encouragement; And that I shall be ready to appoint such Officers as I am authorized, for the Command of the Companies to be raised within this Province, as are known to be Men of Interest in their Country, well affected to his Majestys Service, and able to compleat their Companies. And I do hereby strictly charge and require the several Sheriffs of this Province to publish this my Proclamation, by reading the same at all Churches and Chappels in their several and respective Counties immediately after Divine Service, and before the People shall be dispersed on the next Lords Day after the same Proclamation shall come to

Lib. C. B. their respective Hands, and with all Convenient speed cause the same to be read at the several Court Houses of the respective Counties, and to be set up and affixed at the several
p. 100 Church Doors, Chappels Court Houses and Other the most Publick Places in their several & respective Counties Given at the City of Annapolis this thirtieth Day of June in the twenty sixth Year of his Lordships Dominion Annoq Domini 1740

His Excellency is pleased to ask the Advice of this Board whether it may not be proper to call the Assembly together before the time they are prorogued to, which is in November next, in order to lay before them His Majestys Instructions to him, who are of Opinion, it would conduce to his Majestys Service to call the Assembly to meet on 7th of July next, whereupon His Excellency ordered a Proclamation to be prepared, which being done, is read at the Board, and approved of and ordered to issue as follows

Maryland ss.

By His Excellency Samuel Ogle Esqr Governor and Commander in Chief in and over the Province of Maryland.

A Proclamation

Whereas the present General Assembly of this Province stands prorogued to the second Tuesday of November next, And whereas His Majesty has been graciously pleased by his Royal Instructions to me dated at his Majestys Court at St James's the second Day of April last past among other things to signify that His Majesty had thought fit to dispatch Col William Blakeney (who is actually arrived in New York) from Great Britain with Samples of Cloaths and also with Arms Ammunition & other necessaries for the Use of his Majestys American Troops, and that whatever may be further wanting shall be sent them either before their Embarcation, or shall meet them at the Place of General Rendezvous in the West Indies And that his Majesty trusts and expects that his Majesty's Assembly of this Province will provide Victuals Transports & all other Necessaries for the Troops to be raised in this his Majestys Province, except Cloaths Tents Arms Ammunition and Pay 'till their Arrival at the Place of General
p. 101 Rendezvous in the West Indies I have therefore thought fit in Obedience to His Majestys Royal Commands with the Advice of his Lordships Council of State by this my Proclamation to notify and publish that the General Assembly of this Province meet and be held at the City of Annapolis on Monday the 7th Day of July next And that all the Members of Both Houses

personally attend at the time and Place aforesaid to consult of the necessary means to obey what is required by his most Sacred Majesty Lib. C. B.

Given at Annapolis this 30th day of June in the twenty Sixth Year of his Lordships Dominion Annoq Domini 1740

At a Council held in the Council Chamber on Wednesday the 9th day of July in the 26th year of his Lordships Dominion Annoq Dni 1740

Present

His Excellency Samuel Ogle Esqr Governor

Major Genl Ward	Col James Hollyday
Benja Tasker Esqr	Col Charles Hammond
Philip Lee Esqr	Col Levin Gale
George Plater Esqr	Col James Harris
Edmd Jenings Esqr	

Ordered that the Executors of Col Samuel Young lay before this Board with all convenient speed the Books of him the said Young as late Treasurer of the Western Shoar wherein the Account of the Duty of the 3d p hhd for Arms was kept, as also the Account Current of the said Duty kept by him with Mr Hyde Merchant in London or attested Copies of the said Accounts, as also all Copies of Letters which they have relating to the said Duties

Ordered that the Treasurers of Each Shoar write for Issuance of the several Arms &c directed by this Board to be sent for by them at a Meeting of this Board on the 5th Day of June last

At a Council held in the Council Chamber on Saturday the 12th day of July in the 26th Year of his Lordships Dominion Annoq Dni 1740. p. 102

Present

His Excellency Samuel Ogle Esqr Governor

The honourable	Major Genl Ward	Col James Hollyday
	Benja Tasker Esqr	Col Charles Hammond
	Philip Lee Esqr	Col Levin Gale
	George Plater Esqr	Col James Harris
	Edmund Jenings Esqr	

The honourable Col Levin Gale Chief Justice of the Provincial Court, having informed this Board that on 21st day of May last he issued a Warrant against Hugh Macdonnel directed to the Sheriff of Prince Georges County agreeable to

Lib. C. B. the Order of the Governor and Council of that Date, and that the said Sheriff has never made Return of the said Warrant to him, or given any Account what he has done by Virtue thereof

It is hereby Ordered that the said Sheriff immediately attend this Board to render a particular Account of his Proceedings on the s[d] Warrant.

The Sheriff of Prince Georges County being in Town is acquainted with the aforegoing Order, and attending this Board, He says, that the Warrant not having a particular Day mentioned therein for the Return thereof, he kept the same by him in hopes of apprehending the said Macdonnel, but that at present he is not to be found in his County

At a Council held in the Council Chamber on Saturday the 26[th] Day of July in the 26[th] Year of his Lordships Dominion Annoq Dni 1740

Present

His Excellency Samuel Ogle Esq[r] Governor

The honourable	Benj[a] Tasker Esq[r]	Col Levin Gale
	Philip Lee Esq[r]	Col James Harris
	Edmund Jenings Esq[r]	Sam[l] Chamberlain Esq[r]
	Col James Hollyday	

p. 103 The following Proclamation being prepared, is read, and approved of and ordered to issue

Maryland ss

By His Excellency Samuel Ogle Esq[r] Governor and Commander in Chief in & over the Province of Maryland

A Proclamation

Forasmuch as Warrants have been given to several Persons in this Province to enlist Men to serve his Majesty in an Expedition against the Spanish Settlements in the West Indies, and as It is necessary to have the Men that are enlisted, gathered to One Place, and ready as soon as possible to be transported to the Place of General Rendezvous in the West Indies, I have therefore thought fit, by and with the Advice of his Lordships Council of State to issue this my Proclamation, hereby giving this Publick Notice, and charging & requiring all Persons who have had such Warrants to use their utmost Endeavours immediately to draw the Men together who have enlisted themselves and to repair with them forthwith to the City of Annapolis in Order that the Companies may be

formed and provided for And I do hereby strictly enjoyn and require all Persons who have enlisted themselves in the Service afd to obey such Order or Orders as they shall receive from the person who enlisted them for repairing as aforesaid to the said City of Annapolis as they will answer their disobedience at their Peril Given at the City of Annapolis this 26th Day of July in the 26th year of his Lordships Dominion Annoq Domini 1740. Lib. C. B.

At a Council held at the House of his Excellency Samuel Ogle Esqr Governor in the City of Annapolis on Tuesday the 12th day of August in the 26th year of his Lordships Dominion Annoq Domini 1740

Present

His Excellency Samuel Ogle Esqr Governor

The honourable { Benjamin Tasker Esqr
Edmund Jenings Esqr
Col Charles Hammond

The following Proclamation being prepared is read and approved of and Ordered to issue p. 104

Maryland ss.

By His Excellency Samuel Ogle Esqr Governor and Commander in Chief in and over the Province of Maryland

A Proclamation

Whereas I have been credibly informed that several evil disposed Persons in View of obstructing his Majestys Service have insinuated that such as have enlisted themselves in the Troops to go to the West Indies may without danger desert, and that there is no Law to punish them I have therefore thought fit with the Advice of his Lordships Council of State to issue this my Proclamation in order to undeceive any that may have been deluded by such false Insinuations, to prevent Others from falling into the Danger which they may be subject to for Desertion, and to remove all Pretence of Ignorance, to notify that the Parts of the Act of Parliament for punishing Mutiny and Desertion &c which subject Deserters, and such Officers or Soldiers as shall correspond with his Majestys Enemies to the Pains of Death, expressly extend to all his Majestys Dominions, And that all who shall be legally convict of any of the said Offences, and Every Person who shall excite encourage or perswade any Person, who hath enlisted

Lib. C. B. or shall enlist in his Majestys Service, to mutiny or desert, shall be punished with the utmost Rigor of Law And as his Majestys Commissions are now in my hands I do hereby in his Majestys Name strictly charge and require all Persons who have enlisted themselves in his Majestys Service, as they shall answer the Contrary at their Peril, to repair forthwith to Annapolis in order to be instructed and exercised in Military Discipline to the End they may be able to discharge their Duty to his Majesty as faithful Subjects and good Soldiers And to the Intent that all Persons concerned may have due Notice hereof I do hereby strictly charge and command the
p. 105 several Sheriffs of this Province to make this my Proclamation publick in their respective Counties in the usual manner as they will answer the Contrary at their Peril Given at the City of Annapolis this 12th Day of August in the 26th Year of his Lordships Dominion Annoq Domini 1740

His Excellency is pleased to lay before this Board the following Letter received by him from the Governor of Virginia

Sir

Not knowing when the Officers may arrive in your Government, I herewith send you the Substance of a Letter I addressed to you by them

I have inclosed you Commissions for three Companies, the Number of Men at present expected from your Government, and sent you the like Number of Lieutenants and Serjeants with Arms & Powder and Cloathing for the Officers, so must desire you to form the Men you have enlisted accordingly: Coł Blakeney has sent you Bills to raise Money, and I must intreat you to provide Transports &c that I may be sure to have your Men at the place of Rendezvous within the Capes of Virginia, before the middle of September

Please to date the Commissions the 9th of June, & Endorse on the Back the Day of Delivery I am in a great Hurry

Your most humble Servant

Mr Rousbys Will: Gooch

24 July 1740

It is the humble Advice of this Board to his Excellency that he be pleased to give the Gentlemen appointed by Act of Assembly to provide Transports &c. for the Troops to be raised in this Province, Notice of the Contents of the said Lrē, which his Excellency did in the following Words.

12th August 1740 Lib. C. B.

Gentn

As I have received Advice from the hon̄ble Col̄ William Gooch, who is to have the Command of the Troops to be raised in America for his Majestys Service in the West Indies, p. 106 that he expects the Troops to be raised here should be put on board of the Transports at such a convenient Season, that he may depend upon their being at the Place of Rendezvous within the Capes of Virginia before the middle of September; Therefore that there may be no Disappointment in this particular, I have thought fit to give you this Notice, that you should provide Transports Victuals and other Necessaries to be ready at the Port & City of Annapolis in such convenient time, so as the said Troops be may be imbarked here and carryed to the Place of Rendezvous within the Capes of Virginia before the Middle of September

Sam: Ogle

To the hon̄ble Benja Tasker Esqr
Col̄ Robert King & Dr Charles Carroll
or any Two of you.

At a Council held at the House of his Excellency the Governor in the City of Annapolis on Wednesday the 20th Day of August in the 26th year of His Lordships Dominion Annoq Domini 1740

Present

His Excellency Samuel Ogle Esqr Governor

The honourable { Benjamin Tasker Esqr
Edmund Jenings Esqr
Col̄ Charles Hammond

His Excellency is pleased with the Advice of this Board to appoint Thomas Addison Esqr to be Captain of a Company of Foot raised by him in this Province, and Thomas Crabb Gent. to be Lieutenant, and William Chandler Gent Ensign thereof, and to order His Majestys Commissions to be severally filled up to them, which being done, His Excellency delivered the same to them accordingly

At a Council held at the House of his Excellency the Governor in the City of Annapolis on Friday the 6th Day of September in the 26th Year of his Lordships Dominion Annoq Domini 1740

Lib. C. B. p. 107

Present

His Excellency Samuel Ogle Esq^{r} Governor

The hon̄ble { Benjamin Tasker Esq^{r} / Edmund Jenings Esq^{r} / Col Charles Hammond

His Excellency is pleased with the Advice of this Board to appoint John Milburn Esq^{r} to be Captain of a Company of Foot raised by him in this Province, and John Watkins Gent, to be Lieutenant, and Andrew McKittrick Gent Ensign thereof, and to Order his Majestys Commissions to be severally filled up to them, which being done, His Excellency delivered the same to them accordingly

At a Council held at the House of his Excellency the Governor in the City of Annapolis on Tuesday the 26th Day of August in the 26th year of his Lordships Dominion Annoq Domini 1740

Present

His Excellency Samuel Ogle Esq^{r} Governor

The honourable { Benjamin Tasker Esq^{r} / Edmund Jenings Esq^{r} / Col Charles Hammond

His Excellency is pleased with the Advice of this Board to appoint John Lloyd Esq^{r} to be Captain of a Company of Foot raised by him in this Province, and Thomas Lynn Gent to be Lieutenant, and John Swords Gent Ensign thereof, and to order his Majestys Commissions to be severally filled up to them, which being done, His Excellency delivered the same to them accordingly

At a Council held at the House of his Excellency the Governor in the City of Annapolis on Tuesday the 18th Day of September in the 26th Year of his Lordships Dominion Annoq Domini 1740

Present

His Excellency Samuel Ogle Esq^{r} Governor

p. 108

The honourable { Benjamin Tasker Esq^{r} / Edmund Jenings Esq^{r} / Col Charles Hammond

The following Proclamation being prepared, is read and approved of and Ordered to issue

Maryland ss. Lib. C. B.

By His Excellency Samuel Ogle Esq[r] Governor and Commander in Chief in and over the Province of Maryland.

A Proclamation

Whereas Complaint hath been made to me that the following Persons being inlisted in his Majestys Service in Captain John Milbourns Company of the honourable Col William Goochs Regiment have deserted Viz: Daniel Rayne born in Kent County about nineteen years of Age five feet seven Inches high well set and of a swarthy Complexion had on a Corduroy Coat and Other Cloaths: James Knott born in Queen Anns County about 20 years of Age five feet ten Inches high, very slender and fair Complexion had on a very light coloured Coat striped Jacket and Leather Breeches. William Burgess a black man about fifty Years old six feet and an Inch high black Hair had on a brown Cloth Coat and Other Cloaths: John Barnes born in Kent County about 18 years old pale Complexion five feet ten Inches high, had on a light coloured Kersey Coat and other Cloaths, which Persons are supposed to have gone towards the Head of the Bay in a Pinnace, which 'tis supposed they stole from Annapolis; And that the following Persons having inlisted in his Majestys Service in Captain Thomas Addison's Company of the same Regiment have deserted Viz: John Gwyn aged about 36 years five feet Eight Inches high fair Complexion with light brown Hair, had on a striped flanel Jacket and a Plad Jacket: Anthony Irwyn about 43 years old five feet three Inches high black Hair of a swarthy Complexion, had on a yellowish Coat and Other Cloaths: Richard Gaither born in Ann Arundel County about 22 years old five feet six Inches high had on a dark coloured Kersy or Drugget Suit of Cloaths: John Ward born in Ann Arundel County aged about 24 years five feet p. 109
nine Inches high of a brown Complexion, thin Visage, the Bridge of his Nose fallen, had on a dark coloured Suit: John Woodall a Shoemaker by Trade about 32 years old five feet seven Inches high of a swarthy Complexion & sickly Countenance had on a Coarse linen Frock: Francis Atkinson about twenty five years of Age five feet Eight Inches high very well known about South River where he is supposed to lurk: John Obryan a lusty well made Man about five feet nine Inches high an Irish Man aged about 38 years speaks pretty good English I have thought fit with the Advice of his Lordships Council of State to issue this my Proclamation strictly forbidding any Person whatsoever within this Province on any Pretence whatsoever to harbour entertain or conceal any of the said

Lib. C. B. Deserters on Pain of being prosecuted with the utmost Rigor of Law And also commanding all Officers as well Civil as Military as well as all Other his Majestys Subjects within this Province to use their respective Endeavours to apprehend the said Deserters, and when so apprehended to carry them or any of them to the Sheriff of the County where any of them shall be so apprehended to be held and detained by such Sheriff until such Deserter or Deserters shall be delivered by due Course of Law And Every Sheriff to whom any of the said Deserters shall be brought is hereby strictly charged and required to receive and detain such Deserter or Deserters as afd And I do hereby strictly charge and require the several Sheriffs of this Province to make this my Proclamation publick in their respective Counties in the usual manner as they will answer the Contrary at their Peril Given at the City of Annapolis this 18th Day of Septemr in the 26th year of his Lordships Dominion Annoq Domini 1740

At a Council held at the House of his Excellency the Governor in the City of Annapolis on Saturday the 20th Day of September in the 26th year of his Lordps Dominion Annoq Domini 1740

Present

His Excellency Samuel Ogle Esqr Governor

The honourable	Major General Ward	Edmund Jenings Esqr
	Benja Tasker Esqr	Col Charles Hammond
	George Plater Esqr	Col Levin Gale

p. 110 Several of the Inhabitants of the Sea Board side in Somerset County having informed the honourable Col Levin Gale of the defenceless State of that part of the said County; It is ordered at the Request of the said Col Gale that a Quarter Barrel of Gunpowder and fifty Cwt of Ball be delivered to Captain Fausett of the said County out of the publick Magazine in this City

The following Address being prepared is read and approved of

To the Kings most Excellent Majesty

The humble Address of the Council of the Province of Maryland

May it please Your Majesty

We your Majestys most dutiful and Loyal Subjects the Council of Your Province of Maryland, being acquainted with

the Resolutions of the Lower House of Assembly in this Province to represent this Government and Ourselves to Your Majesty in some injurious and disadvantagious Light, We most humbly beg Leave to approach your Majesty with this Address, That by laying before your Majesty the Conduct of the same Lower House in only One Instance (among many Others) We most humbly presume their extraordinary Views & Desires to assume to themselves all Power and Authority, will appear to have so great Influence in their Consultations, as to render every Opposition to their irregular Proceedings, and unwarrantable Expectations, in their Opinions a Grievance and Matter of Complaint; Wherefore We most humbly take the Liberty of informing Your Majesty, that by temporary Acts of Assembly for about twenty five years past there has been Money annually raised by a Duty of Three pence on Every hogshead of Tobacco exported out of this Province, and expressly appropriated for the Purchase of Arms and Ammunition for it's Defence, but in March 1734/5 An Act raising the like Duty, and to the same Uses and Purposes was made, and to continue for Three Years and to the End of the next Session of Assembly after the said Three Years, which Act being in Force in 1739 This Lower House of Assembly absolutely refused to revive or longer continue Lib. C. B. p. 111

We Your Majestys Loyal Subjects being as an Upper House of Assembly One distinct Branch of the Legislature and sensible of the defenceless and unguarded State of Our Frontiers, and unarmed Condition of Our Inhabitants, took Notice of this Disposition of the Lower House towards a Law which so immediately related to the Safeguard and Preservation of this Province, and pressed them to a Revival or Continuance of that Act, by representing that it nearly concerned the Honour and Preservation of this Part of your Majestys Dominions, especially at this Time of Uncertainty, whether there would be War or Peace in Europe, and that it would not be adviseable for the Governor to pass any Bill, which might make a Session and determine that Act for Arms and Ammunition for Defence of the Province, unless such Act should be revived or continued; These Considerations having no Effect on their Unwillingness to continue that Act, The Assembly was prorogued without the Passage of One Bill into a Law, so that no Session was made, principally that the same Act for Arms and Ammunition might still continue in force

We were in hopes, May it please Your Majesty, that the Lower House at the Session held in April 1740 would have been thoroughly convinced by Our Actual War with Spain, and the Rumour of One with France (whose Settlements are near and dangerous to Our Frontiers) of the Reasonableness

Lib. C. B. and Necessity of continuing that Law: But to Our great Amazement they sent to the Upper House a Bill which not only directed the Manner of issuing the money contrary to every former Law of that kind, but also subjected the Money to such a Disposition, as that the whole Design of such Law might very easily happen to be rendered ineffectual, and useless to the Defence of the Province; But their Resolution on this Bill seemed still more extraordinary, when instead of the Continuance of such a Law for Three Years, and to the End of the next Session as the Act made in 1735 was, They added a Continuance only until September 1741

These Proceedings, May it please Your Majesty, very much surprized and alarmed Us; we could not but think it very
p. 112 unaccountable that an Act which had been continued for many Years past in Time of Peace and tended to provide for the Defence of the Province, should be absolutely refused to be longer continued in April 1739, when We were under daily Apprehensions of a Spanish War; And that afterwards at the time of being actually engaged in that War, and under the Dread of a French One, It should be limited only to Septem^{r} 1741: Our Fears and Jealousies on this head were so far from being lessened, that they were the rather encreased, by the Messages which the Lower House sent to the Upper House on Occasion of this Bill; for instead of giving any Satisfaction by agreeing to a proper Continuance of such an Act, They assured Us of the Inclinations of the Roman Catholicks (who are numerous amongst Us) not to disturb the peace and Safety of this Province, And although a dangerous Conspiracy had been lately discovered amongst Our Negroes to massacre all your Majesty's Subjects in this Province, and for which the Ringleader had been brought to a legal Tryal, convicted and executed; Yet the Lower House thought fit on this Occasion to declare, "They could not on Enquiry discover anything of "that Conspiracy, which might in any manner be presumed to "endanger the Peace or Welfare of this Province" But however Our Argument of the Uncertainty how long War with Spain might continue, and how soon another with France might begin, and an Earnestness to encourage Levies for Your Majestys Service in the West Indies so far prevailed with them, as that Both Houses joined in a Conference in Order to settle some Points necessary as well for a Bill to encourage the levying those Forces, as for a Bill to raise a Fund for providing Arms and Ammunition for Defence of the Province; And when the Conferees with the Concurrence and Approbation of their respective Houses had agreed upon the Principal Heads proper for such Bills; The Lower House sent to us a Bill to encourage Levies for Your Majesty's Service,

which We passed, and was immediately enacted into a Law; Lib. C. B.
But they at the same time came to a surprizing Resolution, not to pass the Other Bill for Defence of the Province, which had been agreed to by the Conferees of Both Houses, until We should return to their House some Bills (which they had before sent up) with such Duration as the Lower House was pleased to dictate to Us: And for a Colour to this unprecedented Behaviour, They pretended to have Apprehensions of p. 113
Our Intentions to make some Alteration in the usual Continuance or Duration of such Bills, which then was for Three Years and to the End of the next Session, Altho' they never had been acquainted with any such Design from Us, neither had We given those Bills the second Reading; upon which We form Our Resolutions, nor could any Arguments or Our Offer to continue all the temporary Laws in the same State and Condition they were, induce the Lower House to send up the Bill for raising a Fund for Our Common Defence.

This Behaviour of the Lower House fully convinced Us that their Wishes and Intentions were rather to drop that only Provision for Our Defence upon any the most unreasonable Pretence whatever, and leave this Province exposed to an Enemy, than furnish us with means to protect and defend it; But when We considered that the French now possess Settlements and Forts within much less than Eight Days March from Our Frontiers, that Our Borders are not in the least guarded either with Fortification or Men, that We have no sufficient Laws to compel any Persons by exemplary Punishments to do Duty or act in Defence of Our Country, That the greatest Part of Our Inhabitants Capable of bearing Arms, have not Arms or Weapons proper for Defence, and that the arms now in the Province, and the Money in Bank arising from the Fund of Arms and Ammunition will scarcely be sufficient to furnish them with such proper Arms; And when We reflected on the Coolness and Indifferency, which the Lower House had at this Meeting shewed to the Governors Recommendacōn to amend Our Militia Act, and provide a proper Place for securing Our Arms and Ammunition; Their Willingness to discredit the Belief of the late Conspiracy amongst Our Negroes, and their unexpected Readiness to answer for the Conduct of the Roman Catholicks in this Province, in Case of a French War: In such Circumstances We Your Majesty's most Loyal Subjects thought Ourselves bound as well by Our Duty as Affection to the best of Kings, under whom We enjoy the Blessings of Our most happy Establishment both in Church and State, to make Use of any Authority which We might be invested with as a distinct Branch of the Legislature in order to prevail with the Lower house to for-

Lib. C. B. ward and put beyond a Doubt of Miscarriage a Bill for Defence of This part of Your Majestys Dominions which Each House had agreed to by their Approbation from time to time
p. 114 in the Course of Our Conference, and which the Lower House had by so many Instances shewed their Inclinations should be destroyed; therefore We conceived Ourselves under an absolute Necessity to defer the second Reading and Passage of the temporary Bills sent up to Us by the Lower House, in hopes to engage them by their Apprehensions of the Expiration of those temporary Laws (and which they were apprized of as well by the Governor as Ourselves would be the Case) to consider how reasonable and just Our Expectations were with Regard to Our only Fund for Defence of the Province; But such was their unaccountable Infatuation that they chose to lose the Continuance of several Laws rather than make any Provision to defend this Part of Your Majesty's Dominions

And when afterwards in July 1740 in Pursuance of Your Royal Instructions, The Assembly was again called in Order to provide for the Transportation of your Majestys Forces to the West Indies, altho' the Governor recommended and repeatedly pressed the making some Provision for Defence of the Province; And although the Upper House passed several Bills to revive the Laws as usual, and returned Others with a Negative, yet the Lower House still persisted in their Resolution to keep back the Bill for Our Defence, which had been agreed on by both Houses about Two Months before in the preceeding Session, and by that means violated that good Faith and destroyed the mutual Confidence, which ought to subsist and be inviolably preserved between Two Houses in a Point of so great Importance as a Supply for Defence of the Province, and at a Time when Your Subjects in Virginia, and other Plantations were putting themselves in a Posture of Defence, and when Your Majestys Arms were employed and the War carryed on with so much Glory and Vigour in America as well as in other Parts of the World: Whether by a Perswasion of never being attacked, or by their own good Opinion of the Roman Catholicks amongst Us, or their little Apprehensions of any ill Dispositions in Our Negroes, They were induced to leave the Country without a proper Supply for Arms and Ammunition in Case of a Rebellious Insurrection or a hostile Invasion; Or whether they endeavoured to
p. 115 make Use of Our Earnestness to secure this part of Your Majestys Dominions as a Means to compel this House to act in what Manner and pass what Laws they should be pleased to direct, We shall not presume to judge; But We humbly hope It may not misbecome us to express Our Surprize that this same Lower House, whom the Continuance of their

Laws, their own solemn Agreement, the Safeguard of their defenceless Country, and their Duty to Your Majesty in a proper Care of this Part of your Dominions could not influence to provide for Our common Safety, should notwithstanding by their Address assure your Majesty "Of their being at all times ready and willing in a legal manner to grant and raise such Supplies as are necessary for the Defence and Preservation of the Province" This being the Point which We have been endeavouring (tho' in vain) to prevail with the Lower House to comply with, We most humbly hope Our Conduct and Behaviour will be approved of in your Royal Wisdom as perfectly agreeable to and consistent with the most unfeigned and inviolable Duty and Affection of your Majesty's ever devoted and Loyal Subjects Lib. C. B.

M. T. Ward Presid
Benj[a] Tasker
Geo: Plater
Edm: Jenings
Cha: Hammond
Levin Gale

Ordered that the Clerk of this Board give the rest of the Gentlemen of the Council who were present at the last Assembly Notice of the said Address, that if they approve thereof it may be signed by them, it being thought necessary that all the Members of this Board sign the same, which Notice being given by the said Clerk, they signed the same accordingly

Ordered that One hundred and fifty Copies of the Report made the last Session of Assembly, to inspect the State of the Fund raised by 3[d] ꝑ hogshead on Tobacco exported for purchasing Arms and Ammunition for the Defence of the Province, by the Committee of the Upper House of Assembly, be printed.

The hon̄ble Samuel Chamberlain Esq[r] having delivered a Letter directed to the Clerk of this Board and Endorsed thereon 7[th] August 1740 for his Lordships Service, and which said Letter the Sheriff of Talbot County immediately delivered to an Under Sheriff of Queen Anns County then present in Talbot County as appears by the Sheriff of Talbot County his Lr̄e to the said Clerk, and which said Letter the Clerk informs this Board, he did not receive until the 15[th] of August, It is ordered that the Sheriff of Queen Anns County with the before mentioned Under Sheriff attend this Board at their next Meeting on 17[th] of October to inform them of the Reason of the Delay of the said Letter. p. 116

At a Council held at the House of his Excellency the Governor in the City of Annapolis on Friday the 17[th] Day of

Lib. C. B. October in the 26th year of his Lordships Dominion Annoq Domini 1740

Present

His Excellency Samuel Ogle Esqr Governor

The honourable { Benjamin Tasker Esqr, Edmund Jenings Esqr } { Col James Hollyday, Saml Chamberlain Esqr }

The following Petition being delivered in to this Board is ordered to be read

To His Excellency Saml Ogle Esqr Governor of Maryland & the honble his Ldps Council

The Petition of Vachel Denton

Humbly Sheweth

That in pursuance of an Order made by your Excellency and Honours in Council in the Year 1735 An Information was exhibited before his Lordships Justices of the Provincial Court against your Petitioner charging him with a Neglect to enter up Part of the Proceedings of the said Court during the time he was Clerk. That a tryal was had upon the said Information at the Assizes held for this County in September 1738
p. 117 and Your Petitioner obtained a General Verdict of Acquittal thereon. That notwithstanding the said Acquittal, Upon Motion of his Lordships Attorney Genl in October Provincial Court 1738 the said Verdict was set aside, and a new tryal ordered, altho' your Petitioner hoped, and was advised by his Council that the said Verdict was sufficient for your Petitioners Acquittal in the Premises.

That in pursuance of the said Order a new Tryal was accordingly had before his Lordships Justices of the Provincial Court in October 1739 and a special Verdict found in the Cause which yet remains before the said Justices undetermined; But your Petitioner humbly conceives that altho' Omissions of not entring up the said Records may appear by the said Verdict, yet that such Omissions cannot be interpreted to proceed from any Criminal Intentions of your Petitioner

That your Petitioner during the Continuance of the Prosecution afd and even before the first Tryal of the Information afd had at his very great Expence procured the Records and other Proceedings afd to be compleatly made up & entered by which means no Person whatever could suffer, And forasmuch as the End of such Prosecution is (as he humbly presumes) effectually answered thereby And that Your Petitioner has been at a vast Expence in the Premises He most humbly hopes Your Excellency and Honours will be

pleased to take his Case into Consideration and put such a Lib. C. B.
Stop to any further Proceedings against your Petitioner as to
Your Excellency and Honours shall seem proper

And he'l pray
V Denton

This Board taking the said Petition into Consideration do humbly advise that no Judgment be prayed by the Attorney General on the said Verdict, but that a Noli prosequi be entered in the said prosecution of which the Attorney General is to have Notice and to act accordingly

Ordered by his Excellency the Governor that the present General Assembly which stands prorogued to the third Tuesday in Novem^{r} next be further prorogued to the second Tuesday in March next, and Proclamations issued accordingly

The Sheriff of Queen Anns County appearing according to an Order of this Board at their last Meeting on the 26th of Septem^{r} and acquainting them, that his Under Sheriff who p. 118
received the Letter directed to the Clerk of this Board from the Sheriff of Talbot County, was sick & not able to attend, but that upon Enquiry he found the said Undersheriff had neglected to forward the same, it is therefore by this Board recommended to the said Sheriff of Queen Anns County that he employ the aforementioned person to act no longer as his Undersheriff

Ordered that the following Letters received by his Excellency and his Answer thereto be here entered

Whitehall 20th May 1740

Sir

In pursuance of an Address of the House of Commons to his Majesty, on 25th April 1740, and of his Majestys Commands signified to Us by his Grace the Duke of Newcastle, in his Letter dated 30th April you are immediately to prepare, and, as soon as possible transmit to Us, in Order to be laid before the House of Commons at their next Meeting, An Account of the Tenour and Amount of the Bills of Credit which have been created and issued in your Government, that are now outstanding, with the respective Times when such Bills so outstanding, were issued, with the Amount of the said Bills in Money of Great Britain, both at the time such Bills were issued, and at the time of preparing your Account

You are likewise to send therewith your Opinion what will be the most easy and effectual manner of sinking and discharging all such Bills of Credit, with the least Prejudice to the Inhabitants of your Government and Interruption of the Commerce of this Kingdom

Lib. C. B. And we desire, you will use all possible Dispatch in this Matter, that We may have your Return early enough for Us to consider thereof, before the beginning of the next Session. So We bid you heartily farewell, & are

Your very loving Friends
& humble Servants

The honble Samˡ Ogle Esqʳ
Deputy Governor of
Maryland

Monson
R. Plumer
Edw. Ashe
M Bladen
Ja: Brudenell

p. 119 Whitehall 21 May 1740

Sir

His Majesty having, in pursuance of an Address of the House of Commons in the last Session of Parliament, commanded Us to prepare forthwith a compleat Collection of all the Laws which have been made and are now in force in any of the British Colonies in America; We must desire you to prepare a compleat Collection of the Laws in Your Government to this present time and transmit the same to Us with all Convenient Expedition. So we bid you heartily farewell and are

Your very loving Friends
and humble Servants

Hon̄ble Samuel Ogle Esqʳ
Deputy Governor of
Maryland

Monson
Edw: Ashe
Ja Brudenell
R. Plumer
M. Bladen

Whitehall 19th August 1740

Sir

We send you herewith inclosed the Copy of an Address of the House of Commons to his Majesty in the last Session of Parliament by which You will perceive how much they apprehend the Commerce of Great Britain to have been affected by the large and frequent Emissions of Paper Currencys in his Majestys Colonies in America; and his Majesty, in pursuance of the said Address, having sent Circular Instructions to the several Colonies more immediately under his Government, not to pass any more Bills for the issuing of Paper Money, without a Clause inserted therein, as proposed by the said Address, to suspend the Execution 'till His Majestys Pleasure shall be signifyed thereupon; We think it proper to acquaint you therewith, and at the same time, to admonish and advise

you to pay all due Regard to his Majestys Intentions and to the sense of the House of Commons upon this Occasion. So We bid you heartily farewell, and are Lib. C. B.

Your very loving Friends
and humble Servants

Monson
Ar Croft
Ja. Brudenell
M Bladen

Honble Samuel Ogle Esq^{r}
Deputy Governor of
Maryland

20 December 1740 p. 120

My Lords

On the 13th Instant I received the several Letters w^{ch} your Lordships did me the Honour to write to me of the 20th & 21st of May and the 19th of August

As to what your Lordships require in the first of them concerning the Bills of Credit emitted in this Province, there never were any 'till March 1732 at which time an Act of Assembly past to emit 90000 £ Currency in Bills of Credit, which at the time of Emission were calculated to be worth 67500 £ Sterling, One third Part of the Sum to be sunk in 1748, and the rest in 1763: The Fund for sinking these Bills of Credit is a Duty of 15^{d} Ster^{l} ℔ hh^{d} on all Tobacco to be exported, which Duty is remitted to three noted Merchants in London and placed in the Bank of England, and the Annual Interest is to be carryed to the Capital Stock, by which means 'tis hoped the Fund may be sufficient to sink all the Bills of Credit within the time limited, and is the most certain as well as the easiest Method of doing it, and if it should be thought proper to sink them sooner, an Additional Duty on Tobacco would certainly do it.

This Duty is borne entirely by the Inhabitants, who ship a great Part of their Tobacco on their own Account, and to those who sell in the Country, the Duty is considered by the Purchaser as part of the Cost of the Tobacco

As the Act for emitting these Bills of Credit expressly restrains the Debts which are to be discharged by them to Contracts to be made after the Publication of the Act within the Province for Current Money only, so they can't possibly affect the Trade of Great Britain, but on the Contrary enables the Traders to purchase many things for the Bills of Credit upon easier Terms, than any other Way and confines any Disadvantage which may possibly attend them to the Inhabitants here

Altho' the Fund to sink the Bills of Credit is so very good, Yet the Artifices of some Traders and Others who have found

Lib. C. B. their Account in depreciating them, and the Restriction already mentioned to prevent their affecting the British Trade,
p. 121 have so far prevailed as to affect the Credit of them to such a Degree, as to render it impossible to make any certain Estimate of their Value in British Money, altho' the Exchange has generally been for some time past from 200 to 230 for One hundred Pounds Sterling.

The Collection of the Acts of Assembly which Your Lordships require will take some time to compleat, and no Endeavours of mine shall be wanting to transmit it to you with all possible speed

There is no Thought of emitting any more Bills of Credit within this Province, those already mentioned being sufficient for all the Uses to which they are applicable. If any Attempt of the kind should be made I shall take Care to obey his Majestys Commands

I am My Lords
Your Lordships
Most Obedient & Most hble servt
Sam: Ogle

To
The Rt Honble
the Lds Comrs for Trade and
Plantations.

At a Council held at the House of his Excellency the Governor in the City of Annapolis on Wednesday the 18th Day of February in the twenty sixth Year of his Lordships Dominion Annoq Domini 1740

Present

His Excellency Samuel Ogle Esqr Governor
The honourable { Benjamin Tasker Esqr
Col Charles Hammond

The following Proclamations being prepared are read and approved of and Ordered to issue.

Maryland ss.

By His Excellency Samuel Ogle Esqr Governor & Commander in Chief in & over the Province of Maryland.

A Proclamation

Whereas His Majestys Royal Pleasure hath been signifyed to me by his Grace the Duke of Newcastle One of his Majestys Principal Secretarys of State his Letter of the 18th of April last past that I should cause an Act which passed the last Session
p. 122 of Parliament for the more effectual securing & encouraging

the Trade of his Majestys British Subjects to America, and for Lib. C. B.
the Encouragement of Seamen to enter into his Majestys Service to be made publick within this Province I have therefore in Obedience to his Majestys Commands with the Advice of his Lordships Council of State caused the said Act to be published at the City of Annapolis by the Sheriff of the said City and lodged the said Act in the Office of the high Court of Admiralty of this Province for the perusal of any Persons applying for the same And to the Intent that the same may be made known in the several Counties of this Province I do hereby strictly charge and require the several Sheriffs of this Province to make this my Proclamation publick with a Copy of his Majestys Proclamation relating to the said Act annexed thereto in their respective Counties in the usual manner as they will answer the Contrary at their Peril Given at the City of Annapolis this 18th Day of February in the twenty sixth Year of his Lordships Dominion Annoq Domini 1740

Maryland ss

By His Excellency Samuel Ogle Esqr Governor and Commander in Chief in & over the Province of Maryland

A Proclamation

Whereas their Excellencies the Lords Justices by their Instructions to me bearing Date at Whitehall the fifth Day of August last signifying his Majestys Pleasure that the Act of Parliament made in the sixth year of the Reign of Her late Majesty Queen Ann Entituled An Act for ascertaining the Rates of foreign Coins in her Majestys Plantations in America should be put in due Execution within this Province in the most effectual manner I have therefore in Obedience to his Majestys Royal Will and Pleasure signifyed to me by the said Instructions with the Advice of his Lordships Council of State thought fit to issue this my Proclamation hereby strictly commanding and requiring his Majestys Subjects within this Province to put the said Act in due Execution according to the true Intent & Meaning thereof on Pain of being prosecuted according to the utmost Rigor of the Law; And to the End that None may pretend Ignorance of his Majestys Pleas- p. 123
ure herein the several Sheriffs of this Province are hereby required to publish this my Proclamation in their respective Counties in the usual manner as they will answer the Contrary at their Peril. Given at the City of Annapolis this 18th day of febry in the 26th year of his Lordships Dominion Annoq Domini 1740

Lib. C. B. Ordered by his Excellency the Governor with the Advice of this Board that the present General Assembly which stands prorogued to the second Tuesday of March next be further prorogued to the last Tuesday in April next, and Proclamations issued accordingly.

At a Council held at the House of his Excellency the Governor in the City of Annapolis on Friday the 13th Day of March in the 26th year of his Lordships Dominion Annoq Domini 1740

Present

His Excellency Samuel Ogle Esqr Governor

The honourable { Benjamin Tasker Esqr
Col Charles Hammond

His Excellency is pleased to lay before this Board a Letter received by him from the honble the President of Virginia, which Letter is as follows

Sir

The Masters of the Ships in Our Trade, having unanimously applyed to me and the Council, representing, that by Reason of the severity of the Weather, they have not been able to bring more than a very small Part of their Lading on board their ships, of which We were very sensible, & consequently, of the impossibility of their being ready to sail by the 26th of the last Month, which Day Captain Lloyd of his Majesty's Ship the Winchester, on whom their only Expectation of Convoy depended had prefixed for leaving this Colony: We therefore interceded with him to defer his Departure as long as possible; who, upon our pressing the Danger the Virginia Fleet would be exposed to, and the Consequences that might attend their falling into the hands of the Enemy, at last, agreed to stay here 'till the 20th of April, whereupon We
p. 124 thought proper to lay an Embargo upon all Ships and Vessels bound for Great Britain until that time. Captain Lloyd will take under his Convoy all such Ships as shall then or before join him in Kiquotan Road in James River which is appointed for their Rendezvous

That the Maryland Ships may have the Advantage of the same Convoy, the Council thought it adviseable, that what we had done for the Security of those from hence, should be communicated to You; that so, you May, if you think fit, recommend it to, or oblige the Masters in your Government

to join the Virginia Fleet at Kiquotan aforesaid before the said 20th day of April Lib. C. B.

I am Sir
Your Excellencys
Most humble Servant
James Blair

2d March 1740

This Board taking the said Letter into Consideration, are of Opinion that there is no Necessity of laying an Embargo at present upon the Ships in this Province, and are pleased to order that the Clerk acquaint the several Naval Officers therewith, desiring them to inform the Masters of the several Ships bound for Great Britain within their respective Districts of the Contents of the aforesaid Letter.

His Excellency is pleased to lay before this Board the following Letter

May it please Your Excellency

I have in my Custody a Deleware Indian committed for the felonious taking away by Force, and robbing one Edward Starkey of a Gun, of which I thought proper to advise, not knowing (as he is a foreigner) but your Excellency might think the Affair worthy the particular Notice of the Government

I am
Your Excellencys most obliged
and most Obedient Servant
Edw: Tilghman

Queen Anns County
6 March 1740.

Upon considering the aforegoing Letter this Board are of Opinion, that if the Felony was committed in Queen Anns County and that Starkey has received his Gun again, or any Satisfaction for it, or that the Indian will now make him Satisfaction for the same, that the said Indian be released, but if the Felony was committed in another Government, and that the Indian was pursued and taken in this Government, This Board is then of Opinion that the said Indian should be delivered to the Custody of One of the Sheriffs of that Government where the Offence was committed; of all which the Clerk of this Board is directed to give the Sheriff of Queen Anns County Notice that he may act accordingly. p. 125

At a Council held at the House of his Excellency the Governor in the City of Annapolis on Wednesday the first day of April in the twenty sixth Year of his Lordships Dominion Annoq Domini 1741

Lib. C. B.

Present

His Excellency Samuel Ogle Esq^{r} Governor

The honourable { Benjamin Tasker Esq^{r} / Col Charles Hammond / Coł Levin Gale

Ordered by his Excellency the Governor with the Advice of this Board that the present General Assembly which stands prorogued to the fourth Tuesday of this Instant April be further prorogued to the fourth Tuesday in May next being the 22^{d} Day of the same Month and Proclamations issued accordingly

At a Council held in the Council Chamber on Tuesday the 2^{d} day of June in the 27th year of his Lordships Dom. Annoq Dni 1741

Present

His Excellency Samuel Ogle Esq^{r} Governor

The hon̄ble { Benj. Tasker Esq^{r} / George Plater Esq^{r} / Col Ja^{s} Hollyday / Coł Char. Hammond } { Col Levin Gale / Coł James Harris / Sam^{l} Chamberlaine Esq^{r} }

p. 126 His Excellency in Pursuance of his Lordships Instructions bearing date at London 12th October 1737 delivers to the Clerk of this Board a Paper inclosing a Commission for a President of his Lordps Council, which his Excellency is pleased to seal up, and order to be lodged in the Council Office

At a Council held in the Council Chamber on Thursday 11th of June in the twenty seventh year of his Lordships Dominion Annoq Domini 1741

Present

His Excellency Samuel Ogle Esq^{r} Governor

The honourable { Benjamin Tasker Esq^{r} / Coł James Hollyday / Coł Char Hammond } { Coł Levin Gale / Coł James Harris / Sam^{l} Chamberlain Esq^{r} }

His Excellency is pleased to lay before this Board the foll^{g} Remonstrances & Ans^{r}

To his Excellency Samuel Ogle Esq^{r} Governor of Maryland.

The humble Remonstrance of Philip Lee Naval Officer of North Patowmeck District

This Remonstrant begs Leave to inform your Excellency, that he with some Others in this Province having been im-

ployed for some years past by some Merchants in Bristol to Lib. C. B.
sell and dispose of what Negroes they should consign to this
Remons[t] and his Partners, and your Remonstrant being Naval
Officer of the Port and District af[d] presumed he might reason-
ably expect any Advantage which might accrue to a Naval
Officer by the Entry of such ships and Negroes: And for that
purpose this Remonstrant took Care to lodge from time to
time with the Collector of North Patowmeck as with M[r] Sewall p. 127
at the Mouth of Patuxent Directions or Orders to the Captains
of such Ships where to repair in order to enter their Vessels
& Cargoes

That agreeable to this Practice a Letter was left with M[r]
Sewall directing Capt[n] Lovey (who was expected in a Ship
called the George with Slaves) to enter with the Collector and
this Remonstrants Deputy at North Patowmeck; That Capt[n]
Lovey upon his Arrival last from Africa with a Cargo of Slaves
consigned to this Remonstrant & Partners came to an Anchor
with his Ship off Cedar Point, and went on Shoar to M[r] Sew-
alls house, where he found the Directions af[d] and agreeable
thereto rode to the Collector of North Patowmeck, with whom
and this Remonstrants Deputy or Clerk Captain Lovey legally
entered his Ship and whole Number of Slaves and gave an
Import Bond for the Duties

That Lovey upon his Return carryed his Ship without
Drum Point but in the Mouth of Patuxent and then went on
Shoar to the Collector there, to whom he shewed his Papers,
which certifyed his Entry with the Collect[r] and Naval Officer
of Patowmeck, notwithstanding which the Collector of Patux-
ent insisted that Capt[n] Lovey should reenter his Ship and
Cargo with him, and that the Ship being within his District
the Entry at Patowmeck was void, and then asked for the
Register of the said Ship, which Captain Lovey delivered to
him, but the Collector of Patuxent refused to redeliver it; A
matter unpresidented, and the Detainer of which without the
Masters Consent no Officer can answer, and a Ship that went
home last Year the Owners are hurt by the Registers being
left behind

From thence he went to the Naval Officer of Patuxent who
told Lovey that as he had not been in Patowmeck or broke
Bulk, he ought to enter his Ship and Cargo with him, and
used threatning Words as that he would be aboard his Ship
&c. and therefore Lovey made a Reentry and sign'd an Import
Bond with the said Naval Officer, who detained his Plantation
Certificate; the just Right of your Remonstrant by the Act of
Navigation 12[th] Charles 2[d]

This being a short State of the Transaction with Regard to p. 128
Loveys Entry this Remonstrant apprehends from the Conduct

Lib. C. B. of the Officers at Patuxent, that they imagined the first Entry with the Officers at Patowmeck to be void and consequently any ꝑquisites from such Entry or the payment thereof the Duties on the Negroes not to belong properly to him as Naval Officer, but he humbly hopes that the Naval Officer & Collector of Patuxt will appear to be mistaken for the following Reasons.

1st Your Remonstrant conceives and is advised that the Authority of the Governors of Every Plantation by the Statute 15th Car 2d Cap 7–8 extends in what is there mentioned over Every Part of the Plantation Colony or Province, and therefore that he cannot by appointing a Naval Officer who is only his Deputy abridge the Power of such Officer in such manner as that a Captain shall not be said to have complyed with that Statute by Delivery of a true Inventory &c to any ꝑson authorized to receive it which is a Naval Officer, altho' the Ship should even lye in another District or Port, for that the Statute does not confine the Exercise of the Authority to any Places less than the Land Island Plantation afd &c And that the Words thereunto authorized only mean the Power of receiving such Inventory and not the particular District in the Plantation where the Vessel is to lye, for if such a Construction were to be put on those Words every Vessel notwithstanding her going into One Port breaking Bulk and Entry would be obliged by the Words of the Statute to make another Entry if she afterwards went into another District

2dly As this Entry with the Officers of Patowmeck was strictly legal This Remonstrant conceives it is highly reasonable for him to insist on it since it is in the Case of a Ship consigned to him, since every Merchant may enter his Ship and Cargo where he pleases

3dly That Lovey about 4 years ago entered in Patowmeck
p. 129 without carrying his Ship in the River, and this Entry was not disputed in Patuxent. Campbell made the like Entry twice and One of them was allowed, the other contested under the Pretext that he was within Patuxent River, and that the Remonstrants Deputy was not present (the latter of these Objections is now removed), notwithstanding which the Naval Officer of Patuxent conscious to himself that I was injured, allowed me half the Advantage of the Entry

Now as your Excellency is the ꝑson appointed by the Laws of Great Britain to see the Acts of Trade duely executed where they extend to the Plantations, so this Remonstrant humbly hopes and is assured, that that great Trust will now as heretofore be exerted in order to the doing Justice to his Majestys Subjects and Traders here, who I humbly conceive should have all the Indulgence that can be allowed them without a

Breach of the Laws, & as Captain Lovey labours under a manifest Hardship by the Detainer of his Register and Certificate and may be stopt here for Want thereof so I humbly hope Your Excellency will interpose your Authority & order the Delivery of the Certificate which this Remonstrant takes to be his indubitable Right by all the Laws of England and that he is accountable for this Entry and obliged to render a true Account thereof to your Excellency, his Lordships Agent and the Country for all Fees and Duties arising on the Ship George; This being the Case would it not be the height of Injustice for Captn Lovey to be obliged to pay double fees &c which must be the Consequence if the Officers of Patuxent claims should be deemed legal, such treatment as this as it will be a great Discouragement to Trade, so it will not fail of being complained of by the Owners which may greatly injure the Interest of Your Remonstrant and Partners, who humbly hope your Excellency in your great Wisdom will seriously deliberate on this Affair, and do therein as to your great Judgment shall seem meet and for which Your Remonstrant will ever pray Lib. C. B.

NB. the Regr since delivered by Rousby the Certif stopt by Mr Plater

Philip Lee

Please NB that the Owners have positively ordered the Masters to enter in my District as by Letter to me will appear in favour to

Philip Lee.

To his Excellency the Governor of Maryland

The humble Answer of George Plater Esqr Naval Officer of the Port of Patuxent to the Remonstrance of Philip Lee Esqr Naval Officer of Patowmeck p. 130

This Respondent acknowledges that on the Arrival of Edward Lovey Master of the George Galley, with a Cargo of Negroes in Patuxent River, which was the very first Port into which the said Ship came, after its Arrival in Chesapeak Bay (as the said Lovey acknowledged to this Respondt), this Respondent required the said Lovey to enter his Ship, notwithing the said Lovey shewed this Respondt a Certificate of an Entry made at Patowmeck: which this Respondent humbly conceives was what he was by the Oath and Duty of his Office obliged to do, and humbly submits to your Excys Consideration, whether the coming to an Anchor off Cedar Point in the Ships Way into the Port of Patuxent (if the fact had been really so) could have justified the Remonstrant in Encroaching

Lib. C. B. upon this Respondts Office, as this Respondt humbly conceives plainly appears by his own Remonstrance he has done; but this Repondent is able to prove (were it of any Consequence) that the Ship actually anchored within Cedar Point

This Respondent humbly conceives, that the Remonstrants having the Sale of Negroes cannot intitle him to any fees or ꝑquisites belonging to this Repondents Office, that his being Naval Officer of Patowmeck does not make him Naval Officer of Patuxent, & that the Practice which he mentions of directing Masters of Ships that come into Patuxent, to go to his Office in Patowmeck to enter, is not agreeable to Justice

As to the Remonstrant's Reasons to justify his own Conduct, and support his Charge against this Respondent, this Respt humbly submits to your Excy the following Answers to them

1st This Respt admits, that by the Statute mentioned, in
p. 131 Order to prevent Frauds No Ship or Vessel coming to any such Land, Island Plantation, Colony, Territory or Place, shall lade or unlade any Goods or Commodities whatsoever, until the Master or Commander of such Ship or Vessel shall first have made known to the Governor of such Land, Island Plantation Colony Territory or Place, or such other Pson or Officer as Shall be by him thereunto authorized and appointed, the Arrival of the said Ship or Vessel, with her Name, and the Name and Sirname of her Master or Commander, and have shewn to him, that she is an English built Ship, or made good by producing such Certificate as afd that she is a Ship or Vessel bona fide belonging to England Wales or the Town of Berwick, and Navigated with an English Master, and three fourth Parts of the Mariners at least Englishmen, and have delivered to such Governor or other ꝑson or Officer, a true and perfect Inventory or Invoice of her lading, together with the Place or Places, in which the said Goods were laden or taken into the sd Ship or Vessel, under the Pain of the Loss of the Ship or Vessel with all &ca

Here's a Statute which the English Legislature thought necessary for securing the Trade of the English Plantations, and of such Importance that it is made an essential Part of the Duty of every English Govr to use his Endeavour to put in Execution, and to appoint proper Officers for that purpose; for whose Conduct He is for a time answerable by a subsequent Act which shall be mentioned hereafter. This Statute (as all Others) is to be construed so, as to avoid the Inconvenience it was designed to remedy, and so, as it's Prescriptions may be best pursued. Can It then be questioned, whether the Governor of Every Province is empowered by this Act to appoint as many Officers as are necessary for this End? Has

not this been the constant Practice in this, as well as in other Provinces? Has not this Practice rec'd all the Sanction which the Nature of the thing is capable of? Is it not for the Security of fair Trade, and the Ease of Traders, that there should be as many such Officers appointed as are necessary? If the Governor is empowered to appoint as many Officers as are necessary to carry this Act into Execution, and to prevent needless Troubles and dangerous Delays to Traders; Does it not necessarily follow, that One Officer so appointed, is, within his own District, as much the Deputy or Officer of the Governor as any other can possibly be within his District? Can it be pretended with any Colour of Reason, that your Excys appointing the Remonstrant to be your Deputy or Naval Officer of Patowm[k] District, does give him any Authority within this Respondents District of Patuxent? If he has any Authority in Patuxent, has he not the like all the Province over, and what Occasion for any other Officer? And altho' the Remonstrant seems to question your Authority to abridge his Power (as he is pleased to express it) in such a Manner, as that a Captain shall not be said to have complyed with the Statute by the Delivery of an Inventory &c to any ꝑson authorized to receive it who is a Naval Officer, yet this Respondent humbly conceives, that by a reasonable Construction of the Statute, the proper Officer of the Port, where the Ship delivers its Lading, is the Officer intended by the Act and no other; and that altho' your Excys Power extends all the Province over, yet that the Power of every such Officer is limited and restrained to his own proper District and that He has no more Power or Authority to exceed such Limits, than the Sheriff of One County has to execute Process in another County: Besides by the Statute of the 7 & 8 W[m] 3[d] to prevent Frauds and regulate Abuses in the Plantation Trade Sect 5, Every Naval Officer is obliged to give Security in England, and to have the Approbation of the Comm[rs] of the Customs in London, which this Respondent has done: And being appointed by your Excys favour (which this Respond[t] acknowledges with the deepest sense of Gratitude) and every other way qualified according to Law, He humbly submits, whether in Iustice, Reason or Equity the Remonstrant can deprive him of the ꝑquisites of his Office

Lib. C. B. p. 132

2. The Remonstrant takes the very Point in Question as granted, and seems to determine it himself, but with what Reason this Respondent humbly submits to your Excellency

p. 133

3 The several Instances mentioned by the Remonstrant, are Instances as this Respondent humbly conceives, of his Incroachments upon this Repondent's Office; and if this Respondent, to avoid Disputes with the Remonstrant, allowed

Lib. C. B. him half fees, this Respondent humbly conceives his so doing, can't establish any Right in the Remonstrant, to what this Respondent hbly apprehends properly & justly belongs to him. And this Respondent positively denies that he ever allowed the Remonstrant half, or any Part of the fees from a Consciousness of having injured the Remonstrant, but merely for Peace sake, and this Respond[t] submits it to your Excys Consideration, whether It is probable the Remonstrant would have been content with half the Advantage of Entry, if he had a Right to the whole

This Respondent thinks that his Majestys trading Subjects ought not only to have every legal Indulgence, but also all possible Encouragement, & hopes and believes, that he has on all Occasions acted accordingly in his Office, and humbly submits to your Excys Consideration, whether One Officers encroaching upon the Rights of another Officer, has any Tendency to ease or indulge Traders, and whether, if Capt[n] Lovey has really suffered any hardship, or been put to any Inconvenience, it does not lie at the Remonstrants Door

This Respondent being, as is already mentioned, appointed by your Excys favour, Naval Officer of Patuxent, humbly hopes and conceives that his Right to the Perquisites of that Office, does not depend on any Orders or Directions, which the Remonstrant may think fit to procure from the Owners of any Ship whatsoever, and that whatever favours, such Owners may think fit, to confer on the Remonstrant, that it ought not to be at the Expence of this Respondent

Upon the whole this Respondent submits it to your Excellency, whether the Remonstrant is not really the Aggressor, and whether this Respondent, as the injured ꝑson, has not just Cause to complain; and altho' this Respondent is advised, that he could recover the fees and Profits received by the Re-
p. 134 monstrant for the Entry of the George Galley at Law, yet this Respondent chooses to acquiesce in whatsoever your Excy shall please to determine

Geo: Plater

To His Excellency Samuel Ogle Esq[r] Governor of Maryland

The Remonstrance and Petition of Philip Lee Naval Officer of North Patowmeck.

Humbly Sheweth

That whereas your Excellency hath been pleased to signify your Intention of laying before the Council in Order to a Decision a certain matter of Controversy now depending between the Naval Officer of Patuxent District, and your said Petitioner,

in which Resolution, tho' undoubtedly your Excellency had Lib. C. B.
nothing more in View than pure Equity and Justice; yet as your Petr is justly apprehensive of many Inconveniencies and ill Consequences that may arise from this Affair, should it be determined in the Manner proposed, he hopes to be allowed the Liberty of offering his Objections to your Consideration, and doubts not but they will appear sufficiently reasonable to your Excellency for giving you this Trouble

1st Your Excellency may be pleased to observe that according to the best Authorities in Law as Lord Coke &c. the Council can take Cognizance of no private matter that may be determined in other Courts, & therefore this Cause is not cognizable there, it being a Point of meum & tuum which your Remonstrant apprehends to be properly under the Denomination of private matter

2dly Where there is no Right of Determination no Record can be made; so should the Council take this Affair upon them, their Judgment or Award could not be final, but the Matter yet in dispute, to the great Uncertainty and Perplexity of the Officers of, & Traders to this Province

3dly As the Controversy lies in fact, that is, whether at the p. 135
time of Entry with the Officers of Patowmeck, the Vessel was in Patuxent District, on which Point, the Officer of Patuxent grounds his Pretensions (tho' if that could be proved it would not as your Remonstrant conceives avail him ought, for by 15 Car 2d A Master, tho' he comes into a Port or Harbour, is only required to make a Report within 24 Hours after anchoring, and not obliged to enter there) And as no Matter of fact is tryable otherwise than by a Jury, Your Petr hopes to be heard in a Court of Record, from whence, if he should think himself injured, he may appeal to other Courts, which cannot be done from the Council Board, as it is not of Record, and where there is no Record, there can be no Appeal.

4thly Should the Council intermeddle with this Affair, which really in the Opinion of your Remonstrant, they have not Iurisdiction of, he your sd Remont fears the Enemies of the Govt would make but too great a Handle of it, by insinuating it as an Aggrievance to the Subject, that a Council should take upon them to determine matters of meum and tuum without lawful Authority, and by which Other Courts would be ousted of their Jurisdiction: As this is a Circumstance that may be of Disservice to his Ldps Govt Your Remt thinks it a Duty incumbent on One of his Station to represent it as such to your Excellency

Having thus given Reasons to your Excy for your Remonstrants Unwillingness to be determined by the Council, your sd Remonst & Petitr will next, with your Excys Pmission pro-

Lib. C. B. ceed to shew how he thinks the Officer of Patuxent might have righted himself without troubling the hon̄ble Board before mentioned on the Occasion, and to this end your s^d^ Remons^t^ will presume the Officer at Patuxent had a twofold Remedy at Law 1^st^ As your Remons^t^ had rec^d^ the Duties, Tonnage &c of the Master, and as the Master had given the Officer of Patuxent an Impost Bond, that Bond might have been put in Suit; in which Case the Remons^t^ would have become the Masters Bail, and have given him a Bond of Indemnity, by which the s^d^ Remons^t^ would have been lyable for
p. 136 any Damages that might have been obtained against the said Master, but as this Method was not made Use of the Patuxent Officer had, and still hath another, which was as y^r^ Remons^t^ (as before observed) rec'd the Duties &c, the Patuxent Officer had an Action of Trespass against your Remonstrant for encroaching on his Property if so he thinks it: This last Course the said Officer of Patuxent declared he would take It is a Remedy he still has & your Remons^t^ hopes he will make Use of, as he desires to be determined by strict Law and Iustice; And this Method your Remonstrant presumes will not only occasion Justice to be done to the now contending Parties, other than which surely neither should desire, but will be productive of a further good End, even that of ascertaining such Disputes futurely

But after all that has been said on this Occasion, if your Excy will be pleased to take the Trouble of the Affair solely on your self your Petit^r^ will gladly consent thereto, and will most willingly submit to whatever Decision your Excy may make, not doubting but Justice will then be done, but if this Proposal does not please; your said Remons^t^ humbly hopes to be allowed to maintain his Right in a lawful manner, that is by a due Course of Law in a Court of Record; which Request as your Pet^r^ presumes is truly reasonable and just, it being agreeable to Magna Charta and the Liberty of the Subject he doubts not but your Excy will be pleased to grant it: However if the Arguments which your Remons^t^ & Pet^r^ hath advanced should not prevail with your Excy to alter your first Resolution on this head, and consequently your Remonstrant & Petit^r^ must be determined by the Council and as he is and ever shall be unwilling to dispute your Excys pleasure, he your said Remons^t^ & Pet^r^ humbly prays in that Case to be allowed Council at Law And so your s^d^ Remons^t^ & Pet^r^ submits the whole to your Excellencys Consideration

His Excellency having asked the Advice of this Board on
p. 137 the aforegoing Remonstrances of Philip Lee Esq^r^ Naval Officer of North Patowmeck against George Plater Esq^r^ Naval

Officer of Patuxent, complaining that the said Plater had demanded fees and other ꝑquisites for the Entry & Clearance of the George Galley which had entered with the said Lee, and also the aforegoing Answer of the said Plater, and it appearing that the said Galley actually came into Patuxent District upon it's first Arrival without going into any other Port or District, and that the Master went from thence by Land to the s^{d} Lees Office on Patowmeck and entered his Ship there, although the said Ship did not go into the said Lee's District but unladed and reladed in Patuxent River within the s^{d} Platers District, And that the s^{d} Lee under Colour of the said Entry received the fees and ꝑquisites on the Entry and Clearance of the s^{d} Ship This Board is unanimously of Opinion that every Naval Officer has an undoubted Right to all fees and ꝑquisites arising for the Entry and Clearance of all Vessels which anchor and trade within his District and that the Naval Officer of any other District has not any Right to any such fees or ꝑquisites, and that the Naval Officer of One District ought not to enter any Ship or Vessel lying within the District of another Naval Officer; Lib. C. B.

Therefore his Excellency by the Unanimous Advice of this Board is pleased to award order and direct the said Lee to pay the said Plater what Money he received for the Entry and Clearance of the Galley mentioned in the Remonstrance and Answer either for fees or Commissions.

The Publick D^{r}

	£	s.	d.
23 feb^{ry} Cash paid M^{r} Creagh for Work done ab^{t} the Council house as ꝑ Account & Rec^{t} appears	2	14	6
Cash paid D^{o} for carting as ꝑ Acc^{t} & Rec^{t} appears	1	12	6
June 6th Cash paid to D^{o} for Work done to D^{o} as ꝑ Acc^{t} & Rec^{t}	0	19	6
Cash paid to D^{o} for Work done ab^{t} the Powder house as ꝑ Acc^{t} & Rec^{t} appears	1	13	3
Cash paid for Nails for D^{o}	0	01	6
Cash p^{d} Rich^{d} Wigges Carpenter for mending the Council Room Door & Shutters as ꝑ Acc^{t} & Rec^{t}	1	00	0
	8	01	3

6th June 1741
Errors Excepted ꝑ
Onorio Razolini

The aforegoing Account being read and allowed Ordered p. 138
that the hon̄ble Col Charles Hammond Treasurer of the Western Shoar pay unto M^{r} Onorio Razolini or Order out of the Duty of 3^{d} ꝑ hh^{d} for Arms the sum of £ 3 : 05 : Sterling

Lib. C. B. in Lieu of the sum of 8 : 01 : 3 Currency, the said Sterling Sum being at the Rate of £ 125 ꝑ Cent Discount between Paper Currency and Sterling.

Ordered that the Clerk of this Board draw an Order on the honble Coł Charles Hammond Treasurer of the Western Shoar payable to Mr Onorio Razolini or Order for forty Pounds Sterling being his years Salary as Armourer of this Province ending the 4th Instant to be paid out of the Fund of 3d ꝑ hogshead for Arms &c.

Ordered that the Treasurer of Each Shoar of this Province send to his Correspondent at London for a Flag for the Use of the Province, and that he direct the Amount thereof to be charged to the Fund of 3d ꝑ hhd for Arms &c.

4th August 1741

Ordered by his Excellency the Governor that the present Genl Assembly of this Province which stands prorogued to the second Tuesday in September next be further prorogued to the first day of Decemr next and Proclamations issued accordingly.

At a Council held in the Council Chamber on Friday the 16th day of October in the 27th year of his Lordships Dominion Annoq Domini 1741

Present

His Excellency Samuel Ogle Esqr Governor

The honble { Benjamin Tasker Esqr, Philip Lee Esqr, George Plater Esqr, Coł James Hollyday } { Coł Levin Gale, Col James Harris, Saml Chamberlain Esqr }

p. 139 The Publick Dr

	£	s.	d.
1741 July 12th To Cash paid Wm Willicomb as ꝑ Acct & Rect	0	03	6
Aug. 11th To Do paid Mr Evell as ꝑ Acct & Rect	1	00	0
To Do paid Mr Creagh as ꝑ Acct & Rect	0	10	0
To Do paid several People to help put up 19 Chests Arms	0	07	6
	2	01	0

4th Septem. 1741
Errors Excepted ꝑ Onorio Razolini

The aforegoing Account being read and allowed Ordered that the honble Col Charles Hammond Treasurer of the

Western Shoar pay unto Mr Onorio Razolini or Order out of the Duty of 3d ꝑ hhd for Arms the Sum of One Pound and Six pence Sterling in Lieu of 2 : 01 : 0 Currency in full of the above Account Lib. C. B.

Ordered that the honble Coł Charles Hammond Treasurer of the Western Shoar pay to Mr Onorio Razolini or Order the Sum of ten pounds Sterling being One Quarters Salary as Armourer of this Province ending 4th of Septemr last, to be paid out of the Fund of 3d ꝑ hhd for Arms &c.

Ordered that the present General Assembly be dissolved and It is likewise Ordered that Writts of Election issue to call a new Assembly returnable 8th day of December next

At a Council held in the Council Chamber on Friday the 23d day of October in the 27th year of his Lordships Dominion Annoq Domini 1741

Present

His Excellency Samuel Ogle Esqr Governor

The hon̄ble { Benjamin Tasker Esqr, Coł James Hollyday, Coł Charles Hammond } { Coł Levin Gale, Saml Chamberlain Esqr }

The following Proclamation being read is ordered to issue

Maryland ss.

By His Excellency Samuel Ogle Esqr Governr & Commander in Chief in & over the Province of Maryland.

A Proclamation p. 140

Whereas It appears that there is such a Number of good Arms in the Country as that there may be some spared to supply the several Counties with such as may be absolutely necessary in Case of any sudden Emergency I have therefore thought fit with the Advice of his Lordships Council of State that so many Arms shall be delivered together with so much Ammunition as the several Colonels shall think necessary for that purpose And I do also with the Advice afd order that during this time of War the several Troops and Companies shall be duely exercised at least once in Every Month unless the Weather should be so severe as to make it impracticable in the Months following Viz. December January February or March And to the Intent that ꝑsons concerned may have due Notice thereof I do hereby strictly charge and require the several Sheriffs of this Province to make this my Procla-

Lib. C. B. mation publick in their respective Counties in the usual manner as they will answer the Contrary at their Peril Given at the City of Annapolis this 23^{d} Day of October in the 27th Year of His Lordships Dominion Annoq Domini 1741

At a Council held in the Council Chamber on Wednesday the 2^{d} day of December in the 27th Year of his Ldps Dominion Annoq Domini 1741

Present

His Excellency Samuel Ogle Esq^{r} Governor

The hon̄ble { Benjamin Tasker Esq^{r} / Col Levin Gale

Ordered by his Excellency the Gov^{r} with the Advice of this Board that the present General Assembly which was by Writt appointed to be held on 8th day of this Instant December be prorogued to the 2^{d} Tuesday in May next & Proclamations issued accordingly

p. 141 At a Council held at the House of his Excellency the Governor in the City of Annapolis on Wednesday the 27th day of January in the twenty seventh Year of His Lordships Dominion Annoq Domini 1741

Present

His Excellency Samuel Ogle Esq^{r} Governor

The hon̄ble { Benjamin Tasker Esq^{r} / Col Charles Hammond

His Excellency acquaints the Board that the Right honourable the Lord Proprietary had appointed Philip Thomas Esq^{r} a Member of his Lordships Council and that he now attends in order to be qualified

Whereupon the said Philip Thomas the Oaths to the Government appointed to be taken by Act of Assembly, and likewise the Oath of a Councillor and subscribes the Abjuration and Test, and takes his Place at the Board accordingly

At a Council held at the House of his Excellency the Governor in the City of Annapolis on Saturday the 17th day of April in the twenty Eight year of his Lordships Dominion Annoq Domini 1742

Present Lib. C. B.

His Excellency Samuel Ogle Esq^{r} Governor

The hon$\bar{n}$ble { Benjamin Tasker Esq^{r} / Col^{l} Charles Hammond / Col^{l} Levin Gale

His Excellency is pleased to lay before this Board his Lordships Dissent to the Levy Act in the Words following Viz.

C: Baltimore

Charles Absolute Lord and Proprietary of the Provinces of p. 142
Maryland and Avalon Lord Baron of Baltimore &c To Our right trusty and welbeloved Samuel Ogle Esq^{r} Lieutenant Gov^{r} of our said Province of Maryland, and to Our right trusty and welbeloved the Upper and Lower Houses of Our Assembly there, and to all Others in Our said Province of Maryland for the time being Greeting.

Whereas An Act Entituled "An Act for the Assesment & payment of the Publick Charge of this Province" pased the twenty second Day of June 1741 hath been transmitted to Us; by which said Act the Sum of Eleven thousand five hundred and ten Pounds nine Shillings and four Pence Current Money of the said Province is directed to be assessed on and levyed from the several Taxable Inhabitants of the said province by an Equal Levy or Assesment this Year, and to be paid to the several publick Creditors on or before the first day of August which shall be in the Year One thousand seven hundred forty and two: We taking the said Act into Our serious Consideration, and having a most tender Regard to the Prosperity and Ease of the Inhabitants in Our said Province, who would be very sensibly affected and aggrieved by the Payment in One year of the said unusual & extraordinary large Sum of Eleven thousand five hundred and ten Pounds Nine Shillings and four Pence over and besides the ordinary Sums annually assessed on & levyed from them: From this Motive and that so heavy a Load when hereafter discharged may be the better born by the said Inhabitants by apportioning the Payment thereof in several Years: We have thought fit and judged it necessary to disapprove dissent to and annull the said Act: And We do hereby disapprove dissent to and annull the said Act and declare the same accordingly void and of no Effect and of p. 143
this Our Will and Pleasure We command Proclamation to be forthwith made & published that all Persons concerned may take due Notice thereof and act accordingly Given under my hand and Greater Seal at Arms at London this seventh day of December Annoq Domini 1741

C B

Lib. C. B. Ordered that Proclamation issue publishing the said Dissent and that Copies thereof be affixed at the Doors of the Court houses & Churches in the several Counties, that the most publick Notice may be had of the same, which Proclamations being prepared issued accordingly

Ordered by his Excellency the Governor with the Advice of this Board that the present General Assembly which stands prorogued to the second Tuesday of May next be further prorogued to the first Tuesday in July next being the 6th day of the same Month and Proclamations issued accordingly.

His Excellency is pleased to communicate to this Board the following Instruction

C: Baltimore.

An Instruction to Our trusty & Welbeloved Samuel Ogle Esqr Governor of the Province of Maryland

Whereas by Our Proclamation bearing Date at Annapolis the 20th of June in the 19th year of Our Dominion Anno Domini 1733 We thought fit to publish and declare that the Rent of four Shillings Sterling as usual for Every hundred Acres of Surplusage Land thereafter to be granted should be reserved and payable

And Whereas It has been represented to Us that great Part of the best and richest Land is now taken up, and that most of what remains is of less Value, or lies in small Quantities, and being willing to shew Our good Tenants all reasonable Favour and Indulgence, We hereby impower you to grant all
p. 144 Surplus Land in Our Province, whereon No Patents of Confirmation have already issued upon the like Terms Conditions and Reservation of Rent as mentioned in the Original Grants or Patents for such Land, the Parties applying first compounding with Our Agent for the Purchase Money, Interest thereon, and Rent from the Date of the Original Grant for such Surplus Land

C B

Given at London this 12th day of August in the 27th Year of Our Dominion Anno Domini under Our hand and Lesser Seal at Arms 1741

By his Lordships Order
Jn° Browning Secretary

It is the humble Advice of this Board to his Excellency that he be pleased to order Proclamations to issue publishing the said Instruction, which Proclamations being prepared issued accordingly.

His Excellency having laid before this Board a Report made to him by the Justices of the Provincial Court of their having passed Sentence of Death this 17th day of April upon Negroes Seamore, Cesar, Charles, Ben, Cooper, Mol & Marlborough on clear Evidence for the Murder of Jeremiah Pattison their Master, It is the humble Advice of this Board to his Excellency that he be pleased to order Warrants to issue for their Execution on Wednesday the 28th of this Instant April Lib. C. B.

At a Council held in the Council Chamber on Thursday the 20th of May in the twenty Eighth year of his Lordps Dominion Annoq Domini 1742

Present

His Excellency Samuel Ogle Esqr Governor

The honourable { Benjamin Tasker Esqr, Coł Charles Hammond, Coł Levin Gale, Philip Thomas Esqr } p. 145

Ordered by his Excellency the Governor with the Advice of this Board that the present General Assembly which stands prorogued to the first Tuesday in July next be further prorogued to the first Tuesday in September next being the seventh day of the same Month, and Proclamations issued accordingly.

At a Council held at the House of his Excellency the Governor in the City of Annapolis on Monday the 28th of June in the 28th year of his Ldps Dominion Annoq Domini 1742.

Present

His Excellency Samuel Ogle Esqr Governor

The honourable { Benjamin Tasker Esqr, Coł Charles Hammond }

His Excellency is pleased to lay before this Board a Letter he received yesterday from Coł Gale enclosing the following One from Coł Ennals

Viana 22d June 1742

Sir

About Six Weeks ago twenty odd Indians came to Viana and I enquired of them, where they came from, and they told me by their Interpreter, that they lived about 300 Miles off this Place, and the Name of the Place they lived at I can't remember; and when they went away they carried with them some of the Nanticoke Indians which said Nanticoke Indians are returned again, and Captn Thomas Hickes and several Men of

Lib. C. B. p. 146 Good Credit came this Day to Viana and gave me Notice that there is not One Indian, Man, Woman or Child to be found in Either of Our Towns, and that they are well assured that there is not One Indian of Either Sex or Size in Dorchester County: I am also informed by some of the Inhabitants of Broad Creek, that the Broad Creek Indians have all left that Town, and that all the aforesaid Indians are drawn together at Pocomoke Swamp at a Place called Winnasoccum under a Pretence of Hunting, which I think seems to be a slender Excuse, and ought not to be credited, for if they only intended to hunt they would not carry with them all the Old Men Women and Children that could not be of any Service to them in hunting, but would have left them at the Towns to take Care of their Cornfields &c, they have carried away all their Goods from the af^{d} Towns, and all their Corn destroyed, which they would have taken Care to preserve, had they designed to have lived in the same peaceable Manner as heretofore they did live; The above Facts I do certainly believe to be as true as that I am now living, and whether on the whole they look like a Design of War or Peace I refer to your better Judgment, and only beg Leave to say that I am of Opinion, that We ought immediately to use a necessary Caution to be in Readiness for Defence &c and not too great a Thought of Security is the direct Way to expose a People or Nation to the greatest Danger and make them an easy Prey to their Enemies which concludes me

Sir
Your humble Servant
J Ennals

Their being so very conformable in applying for a Protection to hunt in the Neighbourhood gives Room for some Suspicion, for it's observable in all Parts where they have had Wars, that when the Indians appear to be the most conformable to Laws and Customs, and appear more friendly than common they intend the Greatest Mischiefs, however as you are capable of making as good a Judgment of the Affair as p. 147 any Man can advise I shall give your Honour no further Trouble with my Sentiments and conclude Sir

Yours as before
I. E.

To the hon̄ble Col Levin Gale
This.

Upon reading the aforegoing Letter It is the humble Advice of this Board to his Excellency that he direct the Clerk of this Board to write to the Commanding Officer of the Forces at Vienna in Dorchester County as follows

Annapolis 28 June 1742 Lib. C. B.

Sir

I am commanded by the Governor and Council to give you Directions to make the most exact Enquiry into the real Designs of the Indians, which you cannot but have a good Opportunity of doing by the cross Examination of Panquash and the other Indians in your Hands, and if you find there is a just Cause of Suspicion of their having entered into a Conspiracy to do Mischief you are immediately to order Panquash, and the Other Chiefs over here with a good Guard

At the same time you are to summon the Others in the Fort or Swamp to deliver up all their Arms, and that unless they do so you will attack them with all your Force as declared Enemies and shew them no Mercy, if they are innocent you may assure them that they shall be treated with all the favour and Friendship possible, the Government having no Intention to hunt them, but only to take Care of the Peace and Safety of the Province

In Case their Guilt should make them fearful of submitting themselves, and put them upon standing upon their Defence, it will certainly be for the General Safety to attack them as speedily as possible, but as this will be carrying things to Extremity, it will not be proper to go such a Length unless it shall appear to be absolutely necessary, and therefore the best manner can be only judged of by Gentlemen upon the Spot, which is left to your Discretion, only It is recommended to p. 148 you to keep a good Eye upon all the Outletts from the Swamp that None of them make their Escape to the Northward to acquaint the Northern Indians with their Situation, and in Case you shall have any certain Intimation of any making their Escape, that you send People to pursue them with all possible speed, and direct those you send to acquaint the Magistrates or other Officers in Newcastle County, in case the Fugitives can't be taken within the Limits of this Government, and if any strange Indians should come among Our own Indians, such strange Indians ought by all Means to be secured

I am Sir &c. John Ross

At a Council held in the Council Chamber on Saturday the tenth day of Iuly in the twenty Eighth year of his Lordps Dominion Annoq Domini 1742.

Present

His Excelleney Samuel Ogle Esq^{r} Governor

The hoñble { Benjamin Tasker Esq^{r}, Philip Lee Esq^{r}, George Plater Esq^{r}, Coł James Hollyday } { Coł Charles Hammond, Coł James Harris, Philip Thomas Esq^{r} }

Lib. C. B. His Excellency is pleased to lay before this Board the several Examinations following

The Examination of Jemmy Smalhommoney One of the Atchawamp Indians of Great Choptank this 25th day of June 1742 This Examinant saith that about the middle of May last there was an Agreem[t] made between some Indians that came from Shawan, being 23 in Number, and the several
p. 149 Nations of Our own Indians to rise and cut off the English, and that Two of Our Indians went up with them in order to know the time, w[ch] was agreed on to be this Moon, and to be assisted with 500 of the Shawan & Northern Indians, and about the same time the French with the Assistance of other Indians were to attack the back Inhabitants of Maryland and Pensilvania This Examinant further saith that the several Nations of Our Indians have built a logg'd house about 20 feet long and 15 feet wide in Pocomoke Swamp for a Repository to secure their Arms and Ammunition, and that they now in the said house have several Guns with a good deal of Ammunition and a large Quantity of poisoned Arrows pointed with Brass, and that they intended to begin the Attack in Somerset and Dorset at several Places in one and the same Night and when they had cut off the English in them two Counties to extend their Conquest upwards till they had joyned the other Indians and the French. This Deponent further saith the said Indians intended to destroy Man Woman and Child as far as they extended their Conquest

his
Jemmy C Smalhommony
Mark

taken the Day & Year above
written by me
Henry Hooper

The Examination of Jemmy Pasimmons a Choptank Indian This Examinant saith that about the middle of May last 23 of the Shawan Indians came down to Chicacoan Town to treat with Our Indians in Somerset and Dorchester Counties about fighting with the English, which was agreed on before the Shawan Indians went back again and Two of the Chicacoan Indians went up with them to know the time when to begin the Attack, which was concluded to be some time this Moon in the Night and to destroy Man Woman and Child. This Examin[t] saith the Indians built a Fort or logg'd house about Two Miles within Pocomoke Swamp upon a small Island, where this Exam[t] was told by some of the Broad Creek Indians

they had lodged Guns, Ammunition and a Quantity of poisoned Arrows pointed with Brass, One of which he saw and further this Examinant saith not Lib. C. B. p. 150

his
Jemmy N D Pasimmon
Mark

taken 26 June 1742 before
Henry Hooper

The Examination of Indian Abraham of Locust Neck Town this Examinant saith that about the middle of May last he was at Chicacoan Indian Town on Nanticoke River where he saw twenty three Indians which he understood were of the Nation of Shawan, and that about a fortnight afterwards the Nanticoke Indians sent for him and the rest of the Choptank Indians to follow them to a Place near Pocomoke Swamp in Somerset County where he heard some of the Nanticoke Indians talking that the Shawan Indians was to come down some time this Month to kill the English and Indians but that a few Days afterwards they said there was nothing of it and further this Examinant saith not

his
29 June 1742 Indian X Abraham
taken before Henry Trippe Mark

The Examination of Indian Patrick of Locust Neck Town this Examinant saith that about the middle of May past he saw at Chicacoan Town on Nanticoke River 23 Shawan Indians and about a fortnight afterwards the Nanticoke Indians sent for him and the rest of the Choptank Indians to follow them to a certain place near Pocomoke Swamp where they came and found all the Somerset County Indians gathered together, and he was told by the Great Men that the Shawan Indians was to come down some time this present Moon to joyn them and kill all the English by Surprize in the Night but some days afterwards the Great Men were afraid and sent Joshua and another Chicacoan Indian to the Shawan Indians to tell them not to come down and further saith not

his
29 June 1742 Indian X Patrick
taken before Henry Trippe Mark

The Examination of Indian Mulberry of Locust Neck Town this Examinant saith that in May last there came down to Chicacoan Town 23 Shawan Indians, and that he heard those Indians say that they had agreed with the Shawan Indians to rise against the English and that the appointed time was to p. 151

Lib. C. B. be about the last of this Moon, this Examinant further saith that about ten Days after the Return of the Shawan Indians from hence these Indians sent two of their Indians up to Shawan in order to acquaint them not to come down and further saith not

his
29 June 1742 Indian × Mulberry
taken before Cha Dickinson Mark

The Examination of Indian Dick, this Examinant saith that he was told by an Indian Woman belonging to Locust Neck Town that the Back Indians to the Number of twenty odd came down in May last to Chicacoan Town in Order to agree with those Indians to assist them in killing the English People of this Province, and that these Indians did agree with them so to do, and promised to come down in Apple time, this Exam[t] further saith that the Reason the Maryland Indians came from Pocomoke Swamp was, because they understood the English had heard their Design against them, and further saith not

his
29 June 1742 Indian + Dick
taken before Cha. Dickinson Mark

The Examination of Jacob Pattasahook a Nanticoke Indian this Examinant saith about a Month ago he was at the Conoy town on Susquehannah River and was told by the Indians of said Town that the Seneca and Totra Indians in Conjunction and by the Advice of the French had agreed to cut off the English Inhabitants in Pensilvania Maryland and other adjacent Parts of this Continent and the Indians in Somerset and Dorset Counties, and to that End the Seneca Indians were soon to go to Philadelphia to dispose of some part of their
p. 152 Lands for Arms and Ammunition, and having so done the Seneca, Totra, and Other Indians were in roasting Ear and Apple time to fall upon the Back Inhabitants and at the same time the French who was to come by Sea, were to land on the Sea board side of Somerset County in order to meet the said Indians, and further this Examinant saith not

his
30 June 1742 Jacob X Pattasahook
certifyed by Henry Trippe Mark

The Examination of Peter Monk a Nanticoke Indian This Examinant saith that he was told by Joshua and Pattasahook two Nanticoke Indians that they were lately at Conoy Town

on Susquehannah River, and there heard the Seneca and Lib. C.B.
Shuan Indians say that they in Conjunction with the French which said French were to land on the Sea side had agreed to kill the English Inhabitants of Maryland & Pensilvania and other Parts of this Continent in Apple time this present year or next Spring, and further this Examinant saith that he saw the War Captain of the Shawan Nation of Indians at broad Creek town on Nanticoke River about four Days after the Indians had left Chicacoan Town and heard the said Captain agree with Panquash, Dixon Coursey, & Simon (as before he had been told) to joyn and kill the English, and that he still believes they will come, and further this Examinant saith that he heard the Nanticoke and Broad Creek Indians talking that they had built a logged house in Pocomoke Swamp where there was some Guns Powder Shot and poisoned Arrows and further saith not

his
1st July 1742 Peter C+ Monk
taken by Henry Trippe Mark

The Examination of Jemmey Cohonk This Examin[t] saith that some time in May last to the Number of 23 of the Shawan Indians came down to Chicacoan Town, and that he this Ex- p. 153
aminant often observed that Panquash and Dixon Coursey held private Conferences with the War Captain of the Shawan Indians, for two Nights together, and that within a few Days after the Shawan Indians went away, Dixon Coursey went over to a Place called Winnasoccum, and two Days after that Panquash followed him to the same Place where they gathered all the Nations of Our Indians together, and this Examinant further saith that he has understood by several Indians since they returned from Winnasoccum, that the whole Design of their Meeting there was to join the Shawan Indians in destroying the English

James Cohonk

1st July 1742
taken by Henry Hooper

The Examination of Sam Isaac a Chicacoan Indian This Examinant saith that when the several Nations of Our Indians met at the Place called Winnasoccum, he heard Sam Panquash, Dixon Coursey, Captain John, the Indian River Queen, and a Colonel of the Queens, an Indian River Doctor and One Simon of broad Creek say, that they had made an Agreement with the Shawan Indians (who were to be assisted with the Seneca Indians) to kill all the white people of Maryland, and

Lib. C. B. that the Indians of those Parts were to joyn our own Indians in a short time at Broad Creek in order to cut off the English in Somerset and Dorset Counties

his
1st July 1742 Sam X Isaac
taken by Henry Hooper Mark

The Examination of Indian Anthony This Examt saith that some time in the beginning of June last Panquash told him that he must go over to a Place called Winnasoccum where he expected to meet all the Indians in order to hunt for five or six Days This Examinant saith that he accordingly went
p. 154 over where he found a great Quantity of Indians in Company with a War Captain of the Shawan Indians together with Twenty more of that Nation, who continued dancing for Six Nights together with Drums beating, firing of Guns & Tommahawks in their hands, acting in a warlike Manner, the Shawan Indians often saying the English Men were like Children and knew not how to fight, during which time It was agreed by Our own Indians and the Shawan Indians (who were to be assisted by a great Number of the French, that were to land on the Sea board side of Somerset County) to cut off and destroy the English Inhabitants of Maryland and Pensilvania; The Shawan Indians intending to come down to Chicacoan in the Night time without being discovered by the English and promised to be there this Moon, or in Apple time, and this Examinant likewise saith that he verily believes that they will come at One of the times appointed and that he has understood by several Indians that there is a logg'd house in a thick Swamp in which they have Guns Powder Shot and poisoned Arrows; and that an Indian River Doctor had prepared a great deal of Poison to destroy the English and that he left the said Doctor boiling Poison at Winnasoccum when he came away and further saith not

This Examinant further likewise saith that Indian Panquash told this Examinant and all the other Indians that if they made a Discovery of their afd Design he would kill them

his
4th July 1742 Anthony +
taken before Henry Hooper Mark

The Examination of Robin Hood a Choptank Indian This Examinant saith that in May last to the Number of twenty three of the Shawan Indians came down to Chicacoan Town
p. 155 where they stay'd about Eleven Days, during which time the War Captain of the Shawans made an Agreement with Pan-

quash Dixon Coursey Captain John, Simon and the Indian River Queen to cut off all the English Inhabitants in Maryland and Pensilvania, and were promised by the said War Captain to be assisted by the Seneca Indians in Conjunction with the French, which French were to land on the Seaboard side of Somerset County; and when the Shawan Indians went away, Indian Joshua and Pattasahook went with them, who returned again in about Six days in Company with another Shawan Captain and twenty Shawan Indians more, and that two Days after their Return all the Chicacone Indians went over to a Place called Winnasoccum in Company with the Shawan Indians where they gathered the several Nations of Our Indians together, and had their War Dances for Six Nights, with their Arms, Faces and Part of their Heads painted, their Tommahawks in their hands, with the firing of Guns and two Drums beating, during which Time it was unanimously agreed by our own Indians and the Shawan Indians to be assisted with the Powers abovementioned, to destroy the English (whom the Shawan Indians often said were no more than Children) And further this Examinant saith that whilst he was at Winnasoccum he was told by an Indian River Doctor that he had prepared a great Quantity of Poison, with which he intended to infect the Water in Order to destroy the English. This Examinant likewise further saith that Sam Panquash told him they had got a great Number of poisoned Arrows pointed with Brass which were lodged in a little House upon a small Island about three Miles within a very thick Swamp: This Examinant further saith that the Shawan Captain last mentioned, and his Indians have been gone about 12 Days and promised to return again within two Months from that Time in Company of the Seneca Indians in Order to joyn the French in cutting off the English as abovesaid and further this Examinant saith not

Lib. C. B.

p. 156

his
Robin + Hood
Mark

The within Examinant likewise further saith that the Shuan Indians together with the Seneca Indians will travel only in the Night time, and that in the Day time they will stop and lye by in Swamps until they come down to Chicacoan Town in Dorchester County and that then they were determined when they came there to go in small Companies and Murder all the English in the Night

his
Robin + Hood
Mark

4th July 1742
taken by Henry Hooper

Lib. C. B. At a Council held in the Council Chamber on Monday the 12th of July in the twenty Eighth Year of his Lordships Dominion Annoq Domini 1742

Present as on Saturday

Several Indians in Custody of the Sheriff of Ann Arundel County being brought before this Board, and an Interpreter sworn to explain to the best of his Knowledge the Meaning in English, of what the Indians declare in their own Language, to the Questions proposed to them by this Board, were accordingly examined and their Examinatns taken as follow

The further Examination of Jemmey Cohonk This Examinant saith that Pattasahook told him that He had been at
p. 157 the Conoy Town about a Month ago, and that the Conoy Indians told Pattasahook as he said that the Totra Indians said that the Indians of the five Nations would come down to the Governor of Pensilvania under Pretence of selling their Lands, and that in Exchange they would take from him nothing but Arms Ammunition and other Weapons, and that the Indians would make the Governor a Present of two Deer Skins apiece, and that the Number of Indians that would come down he heard were two hundred or four hundred, and this Examinant further saith that Pattasahook told him the Indians said when they had got the Arms and Ammunition from the Governor of Pensilvania they would then come down and destroy the English and Indians too, and that the Captain of the War Indians belonging to the Shuan Town was carried away by Tom Hoppington a Chicacoan Indian

James Cohonk

The further Examination of Sam Isaac This Exam^{t} saith that He saw of the Somerset County Indians at Winnasoccum at the time Panquash and the other Indians were there, George Rokahomp, John Wittonka, Teague Wogg, George Terrakell & Jeremy Peake, and he likewise saith that Indian Mulberry & Indian Oliver bought Each of them a Gun from the Shuan Indians & Chinehopper bought two of them

The Examination of Indian Joshua This Examin^{t} saith that He saw at Chicacoan Town 18 Shuan Indians 3 Conoy Indians and One Squaw who came as He understood under Pretence of a Visit to speak with the Great Men enquiring after their Health and if it was Peace, This Examinant saith that Pan-
p. 158 quash sent him to the Conoy Town to see for some Peake that was lost, and to enquire what News, that he overtook

the Shuan Indians at Bohemia, that the War Captain whose Name is Messowan was with them, that He was seven Days in going thither, stayed there about three Days and was Six Days in returning, he further saith that he heard at the Conoy Town the Seneca and Shuan Indians wanted to fight with the English and the Indians, He likewise saith that at his Return He found Panquash and Our Indians in the Swamp and no strange Indians with them, that he stayed there about a Week, and that he does not know the Reason why Our Indians left their Towns and went to the Swamp, He being at the Conoy Town at the Time Lib. C. B.

The Examination of Indian Pattasahook This Examinant saith that about a Month before He was brought to this Town, as he was going up to the Conoy Town with Joshua being sent thither by Panquash to carry News to the Indians & to see for some Peak that was lost which He heard the Shuan Indians had found, he overtook twenty Indians at Bohemia who had been at Chicacoan Town and that the War Captain whose Name's Messowan was with them This Examinant saith that the News he carryed up to the Indians was, that what had been before concluded on between Panquash and the Shuan Indians was knocked on the head for that Season, and that they need not come down that he heard from the Indians at the Conoy Town, that the Indians did design to cutt off the English, that He was about 8 Days in going 4½ Days there & 5½ Days in coming down & upon his Return found Panquash and the rest of the Indians in the Swamp who stayed three Days after his Return, and then all the Indians left the Swamp. p. 159

The Examination of Indian Coursey This Examinant saith that the Conversation between him Panquash and the Shuan War Captain at the Chicacoan Town was about Peace but Toby told him that the Shuan Captain said they would come down in roasting Ear time to kill all the English, and that Panquash was by at the same time they said so This Examinant further saith that Joshua and Pattasahook were sent to the Conoy Town for some News and for some Money which the Shuans had found, and the News they brought down was, that the Seneca's would go to Philadelphia to make Peace with the Governor there, and get Guns, and then they would come down and make War, and that the French were to assist them, that the Seneca's and French would come sometime next Spring the French by Water in Ships and the Seneca's upon the back Inhabitants and that they would destroy the

Lib. C. B. English and the Indians This Examinant likewise saith that Our Indians were ordered by him and Panquash to leave their Towns & go to the Swamp to chuse an Emperor, that he does not know why they did not chuse One, and the Reason of their leaving the Swamp, was, because their Powder was gone, that He saw at the Swamp sixteen Somerset County Indians among whom was Bastobello and the Young King This Examinant also saith that he drank of the Liquor that was prepared there by the Indian River Doctor, and that It was to nourish him and make him supple.

The Examination of Indian Panquash This Examinant saith that twenty two Shuan Indians came down to Chicacoan Town to sell Guns and Matchcoats and to make Peace with
p. 160 him and the rest of the Indians, that the Shuan Indians offered him Presents to make Peace with them which he would not take, and that he did not make Peace with them, that the Shuan Indians danced, and said they could bring down sometime three hundred or four hundred Men That He sent Joshua & Pattasahook up to the Conoy Town to know why they threatened to take Toby an Indian of his away, that the Shuan War Captain returned and said It was only to scare him This Examinant further saith that the News Joshua and Pattasahook brought down was, It was all Lies that It was Peace, and that It was never known any of his Great Men ever came to that Shuan Town and He also saith that he knows nothing of a Design of the Indians & French coming down to kill the English, nor does He believe the Shuan Indians will meet with any Assistance from Our Indians if they should come down, and He thinks the Shuan Indians will not come again these four Years This Examinant likewise saith that Our Indians were ordered by him to leave their Towns & go to Winnasoccum to make an Emperor and that they carried the Old Men Women & Children with them because they had not Provision to give them in their Towns, that the Reason they did not make an Emperor, was, because they had not Money nor Skins enough to bear their Expences, that He knows not of any logg'd House in the Swamp, and that all the Indians Men Women & Children are returned This Examinant also saith that he drank of the Liquor prepared by the Indian River Doctor to cure him of a Cough.

The Examination of Captain John a Broad Creek Indian This Examinant saith that He did not see any of the strange
p. 161 Indians at Chicacoan but he heard they came down to sell Skins Matchcoats and Guns that the Reason the Indians left

their Towns and went to Winnasoccum, was, to hunt get Lib. C. B.
300 Skins & chuse an Emperor, that they carried the Old Men Women and Children with them from the Town, because they wanted Bread and that they might partake of what they killed, and that the Indians left the Swamp because they heard the English knew of their being there

The Examination of Robert Nandum a Somerset County Indian This Examinant saith that he did not hear of the Shuan Indians Design in coming down to kill the English, that Indian Tallouid came for him to go and meet the Chicacoan Indians at Winnasoccum to hunt and get Deer Skins to make an Emperor, but that not having Money enough they did not make an Emperor, that he knows not of any logg'd House in the Swamp, that He drank a Spoonful of the Liquor prepared by the Indian River Doctor to make all well

The Examination of Indian Bastobello This Examinant saith that Panquash sent for him to meet the Chicacoan Indians at the Swamp to hunt and make an Emperor, that he staid three Days at the Swamp and then returned, that whilst he was at the Swamp He drank some of the Liquor prepared by the Indian River Doctor to do his Stomack good and keep off a Fever and Ague that the Reason they did not chuse an Emperor was because they had not skins enough This Examinant likewise saith that there was not any Proposal made to him by Panquash nor anyone else to assist in killing the English

The Examination of Jemmy Ashquash a Chicacoan Indian This Examinant saith that he was at Winnasoccum with the rest of the Indians, and that most of the Indians who were there, were painted, and that he heard George Terraquett a Pocomoke Indian say the Indians intended to destroy the p. 162
English, and that the said George Terraquett at the same time told this Examinants Unkle Abraham Ashquash of the intended Design of the Indians destroying the English This Examinant further saith that Mulberry Panquash Chinehopper and Oliver bought Each of them a Gun of the Shuan Indians, and he likewise saith the Reason why the Indians in general deserted their Town and went to the Swamp, he believes was, because they were sent for by Panquash and they left the Swamp because the English heard of their being there.

Upon reading and considering the aforegoing Examinations It is ordered that Panquash, Coursey, Pattasahook,

Lib. C. B. Joshua, Simon, Captain John, Robin Hood, Bastobello, Robert Nandum, Chinehopper and hopping Sam be continued in Custody of the Sheriff of Ann Arundel County for further Examination, and that the rest of the Indians now in his Custody be discharged, and It is the humble Request of this Board to his Excellency that he be pleased to send for the Indians, who are to be discharged, into the Council Chamber, and that He speak to them in the following manner, and the said Indians attending accordingly were called in, and His Excellency spoke to them as follows

"We are fully convinced of your having entered into a Conspiracy to destroy all the white People of this Province contrary to the Treaties made between us, and might very justly punish you in a very severe Manner for what you have been guilty of, but We are rather desirous to use you kindly like Brethren, in hopes that it will beget the same kindness in You to Us

Our kindness to you ought to be received more thankfully as We have it in Our Power to take all Your Lands from you, and use you as your ill Designs against Us have deserved, whereas you cannot make any War upon Us, but what must
p. 163 end in your own Destruction, which We hope you will consider, and not be drawn into any Plots for the future, with the Shuans, or any other Indians whatsoever

And if any strange Indians should happen to come amongst you, you are immediately to acquaint the next Justice of the Peace with it, and to behave in all other Respects like Friends, and it will be your true Interest so to do, for you can expect no Favour if you should joyn in any future Consultation with Our Enemies, and You may be sure the English will have a watchful Eye over you, to see how you behave, whether as Friends or Enemies

As We suppose you have been drawn in by your Chiefs We forgive you all that is past, whatever may be done with them, whom We have thought necessary to detain still in Custody"

At a Council held in the Council Chamber on Tuesday the 13th day of July in the twenty Eighth Year of his Lordships Dominion Annoq Domini 1742

Present as Yesterday

Read the Memorial and Petition of John Lang A: M: Rector of S^{t} James Parish in Ann Arundel County, also Read the Complaint and Petition of the aforesaid John Lang in behalf of himself and other Inhabitants of the said Parish against the Vestry of the aforesaid Parish

Ordered that the Vestry have Copies of the said Petitions and that they have Notice to attend this Board on Thursday the twenty second of this Instant July. Lib. C. B.

At a Council held in the Council Chamber on Thursday the 22[d] Day of July in the 28[th] year of his Lordships Dominion Annoq Domini 1742

Present p. 164

His Excellency Samuel Ogle Esq[r] Governor

The honourable
Benjamin Tasker Esq[r]
George Plater Esq[r]
Col[l] James Hollyday
Col[l] Charles Hammond
Col[l] Levin Gale
Col[l] James Harris
Samuel Chamberlain Esq[r]
Philip Thomas Esq[r]

The Vestry of S[t] James's Parish in Ann Arundel County appearing by their Council to the Complaint of the Reverend M[r] John Lang desire further time to put in their Answer, which is granted them until 20[th] day of Septem[r] next, and ordered a hearing of the said Petitions the next Council Day after

At a Council held in the Council Chamber on Friday the 23[d] Day of July in the twenty Eighth Year of his Lordships Dominion Annoq Domini 1742

Present as Yesterday

His Excellency is pleased to lay before this Board the following Papers

Philadelphia Decem[r] 20[th] 1736

Sir

When the Indians of the five Nations were here in October last, releasing to Our Proprietors all their Claim to the Lands on Susquehannah, they pressed Us to write in their behalf to the Governors of Maryland and Virginia, to make them Satisfaction for the Lands those Governments are possessed of lower on Susquehannah & Chesapeak, Isanandowa & the Parts adjacent, belonging as they say, to them the said Indians, for which they have never been paid, but We found means to p. 165 avoid engaging in it while they continued here: Yet as they took the Opportunity of obliging Our Interpreter, who by Our Orders attended them near a hundred Miles in their Way homewards, to write a Letter to Us at parting, on that & some other heads, in which they are exceedingly pressing, We think it incumbent on Us to send a Copy of that Part to both Govern[rs] & therefore inclosing this here, in my Answer to a

Lib. C. B. Letter this Day received from Governor Gooch in Relation to those Indians I send One also to that worthy Gentleman, by which means We shall think Ourselves acquitted of the Charge

James Logan

We the Chiefs of the Six Nations of Indians the Onandagoes Isamundowans or Sinekas Cayooges Oneidas Tuscororoes in behalf of the Canyingoes or Mohawks do hereby beseech Our Brethren *Onas and James Logan to write in Our behalf to the Governor or Owner of the Land in Maryland and to the Governor of Virginia to let them both know that We expect some Consideration for Our Land now in their Occupation and if so be that they are willing to make some Consideration, let them leave the same with Our Brethren in Philadelphia where We have a Fire burning and if they have anything to say to the contrary We will hear them at the said Fire if they will come there

*Onas the Name they always give to Our Proprietors — the Word signifying a Pen in their Language, and James Logan has for above these thirty Years past been particularly concerned in all the Negotiations with those People.

We desire further of Our Brethren Onas and James Logan to let Us know in as short a time as possible the Answer of the two Chief Men, One living in Annapolis and the Other in Virginia, if so be that the Chief Man of Annapolis and the Chief Man of Virginia do neglect to make Us any Consideration for Our said Land, We desire Our Brethren Onas and James Logan to let the Great King over the Great Sea know of it but notwithstanding let Us know as soon as possible the Answer of Both.

Conrad Weiser
Interpreter

Kanynkhungo his O Mark
Jacananuntic J his Mark
Saristagoa ‡ his Mark
Hagunghsinvyunt Z his Mark

p. 166 The Substance of what was said by Canassateego Chief of the Onondagues, relating to the Governor of Maryland at a Treaty held with the Six Nations at Philadelphia on the 7th of July 1742.

Brethren

We have further to observe with Respect to the Lands lying on the West side of Susquehanna, that tho Brother Onas (meaning the Proprietor) has paid Us for what his People possess, yet some Parts of that Country have been taken up by Persons whose Place of Residence is to the South of this Province, from whom We have never received any Consideration. This Affair was recommended to you by Our Chiefs at Our last Treaty; and you then at Our earnest Desire, promised to write a Letter to the Person who has the Authority over

those People, and to procure Us his Answer: As We have never heard from you on this head, We want to know what You have done in it. If you have not done anything, We now renew our Request, and desire you will inform the Person whose People are seated on Our Lands, that that Country belongs to Us in Right of Conquest, We having bought it with Our Blood and taken it from Our Enemies in fair War; and We expect as Owners of that Land to receive such a Consideration for it as the Land is worth, We desire you will press him to send us a positive Answer Let him say Yes or No, if he says Yes, we will treat with him, if No, we are able to do Ourselves Justice, and we will do it, by going to take Payment Ourselves Lib. C. B.

To which the Governor replyed

Brethren p. 167

According to the Promise made at Our last Treaty with you, M^r^ Logan, who was at that time President, did write to the Governor of Maryland, that He might make you Satisfaction for such of your Lands as his People had taken up, but did not receive One Word from him upon that Head. I will write to him again, and endeavour to procure you a satisfactory Answer. We do not doubt but He will do you Justice, but We exhort you to be careful not to exercise any Acts of Violence towards his People, as they likewise are Our Brethren, and Subjects of the same Great King, and therefore Violence towards them must be productive of very evil Consequences

This Board having taken the said Papers into Consideracoñ observe that thay relate as well to Virginia as to Maryland, and that for that Reason It is absolutely necessary to consult the Governor of Virginia on the Subject as soon as possible, that proper Measures may be taken by Both Governments to establish Peace and Good Neighbourhood between his Majestys Subjects of both Provinces and the neighbouring Indians upon fair and just Terms

This Board therefore advise and desire his Excellency to transmit to the Governor of Virginia what Papers he has already received, or shall hereafter receive concerning the Indian Affairs with a particular Account of Everything relating to the said Affair

The Board also advise and desire his Excellency to request the Governor of Pensilvania to let the Indians know that We and all Our Brethren desire to live in Peace and Amity with them, and to do every thing that shall be just and reasonable in order to establish a lasting Friendship and Understanding

Lib. C. B. with them, and also to let them know that these Our good Intentions proceed from the Principles of Honour & Justice and not from Fear or Apprehension of any Injury they are able to do Us, as We are well assured, that should We be
p. 168 attacked, We are able with the Assistance of Our Brethren in Virginia, and Other Parts of the Continent who are the Subjects and Children of the same Great King to defend Ourselves

And the Board advise and desire his Excellency to request the Governor of Pensilvania to let the Indians know, that if they will send such Persons as they shall think proper to Annapolis to treat, those they shall send shall be kindly received and entertained as Friends and Brethren, and that they may depend on it that all Endeavours shall be used on the Part of this Govern^{t} to settle every thing upon the justest Terms and most lasting Foundation, & to desire them to appoint a time when they will meet, that the Governor of Virginia may have timely Notice of it and Every thing may be prepared to so desirable and good a Work as Peace and Friendship

At a Council held in the Council Chamber on Saturday the 24th day of July in the twenty Eighth year of his Lordships Dominion Annoq Domini 1742

Present as Yesterday
except Philip Thomas Esq^{r}

The Indians detained in the Custody of the Sheriff of Ann Arundel being by Order of this Board brought into the Council Chamber It is the Advice of this Board to his Excellency that they be discharged from their Confinement, which was done accordingly, & His Excellency is pleased to acquaint them, in order their future Behaviour towards the English may be friendly, and that they should look upon the English as their Brethren, He is willing to enter into Articles of Peace and Amity with them, which they consented to, and the Articles of Peace being accordingly drawn up, were
p. 169 signed by his Excellency the Governor on behalf of the R^{t} hon̄ble the L^{d} Proprietary of this Province, and Bastobello, John Wittonguis, Jeremy Peake, and George Rokahaum Chiefs of the Asseteagues and Pocomoke Indians on behalf of themselves, and the Indians under their Subjection; Tom Hill and Robin Chiefs of the Indian River Indians on behalf of themselves and the Indians under their Subjection; Simon and Captain John Chiefs of the Broad Creek Indians on behalf of themselves and the Indians under their Subjection; Robin Hood and Hopping Sam Chiefs of the Locust Neck Indians

on behalf of themselves and the Indians under their Subjection; Lib. C. B.
John Coursey and Chinehopper Chiefs of the Chicacoan Indians on behalf of themselves and the Indians under their Subjection; and the Great Seal of the Province was affixed to the said Articles, and His Excellency made several Presents to the several Chiefs before mentioned

Ordered that the honourable Col Gale and Col Hammond agree with a Workman to build a House of Brick for a Magazine twenty feet long and sixteen feet wide in the Clear & twelve feet Pitch from the Foundation and to be set as near the Old Powder House as conveniently it can, and that the same be paid for out of the money raised by the Duty of three pence ꝑ hhd for purchasing Arms and Ammunition.

PROCEEDINGS

OF THE

COUNCIL OF MARYLAND.

CHARLES CALVERT, LORD BALTIMORE,
Proprietary.

THOMAS BLADEN,
Governor.

1742–1746.

Maryland ss. Lib. C. B. p. 170

Be it Remembered that on the 23d day of August in the sixteenth year of the Reign of Our Sovereign Lord George the second by the Grace of God of Great Britain France and Ireland King Defender of the Faith &c[a] and in the 28th Year of the Dominion of the Right Honourable Charles Lord Baron of Baltimore Absolute Lord and Proprietary of the Provinces of Maryland and Avalon &c[a] Annoq Domini 1742 At the Council Chamber in the City of Annapolis appeared the Honourable Thomas Bladen Esq[r] in Presence of the Honourable Benjamin Tasker Esq[r] Edmund Jenings Esq[r] Col[o] Charles Hammond and Philip Thomas Esq[r] Members of his Lordships Council and produced his said Lordships Commission Constituting and appointing him the said Thomas Bladen Esq[r] Lieutenant General and Chief Governor of the Provinces of Maryland and Avalon in America and also Commander in Chief both by Sea and Land of all the Forces raised or to be raised in the said Provinces, which being published and read is Ordered to be Recorded in the Secretarys Office

His Excellency the Governor then took the several Oaths appointed to be taken by Act of Assembly of this Province as also the Oath following

I Thomas Bladen do swear that I will be true and faithful to the Right Honourable Charles Lord Baron of Baltimore the true and Absolute Lord and Proprietary of this Province of Maryland and his Heirs and him and them his and their Rights Royal Jurisdictions and Signiorys all and every of them in to and over this his Province of Maryland the Islands and Territories thereto belonging I will at all times defend p. 171 and maintain to the utmost of my Power and will never accept any Place Office or Employment within the said Province any ways concerning or relating to the Government thereof from any Person or Authority but by from or under a Lawful Authority derived or to be derived from his said Lordship his Heirs or Assigns, I will faithfully serve his said Lordship as his Governor or Commander in Chief of the said Province and in all other Offices committed to my Charge by his said Lordships Commission or Commissions to me and will willingly Yield up the said Commission or Commissions again and all Offices Powers and Authorities Granted or to be Granted by them or any of them into the hands of his said Lordship his Heirs and Assigns or to such Person or Persons as he or they shall appoint whensoever he or they shall ap-

Lib. C. B. point me so to do, and shall Signify the same unto me and will not presume to put in Execution or Attempt to Execute any Office Power or Authority Granted unto me by any of the said Commissions after that his said Lordship or his Heirs or Assigns Lords and Proprietarys of the said Province shall repeal them or any of them respectively and that the said Repeals be Published in this Province I will do equal Right to the Poor and to the Rich within this Province to the best of my Skill Judgment and Power according to the Laws and Ordinances of the said Province and in default thereof according to my Conscience and best discretion and to the Power Granted or to be Granted unto me by his said Lordships Commission or Commissions I will not for Fear Favour or Affection or any other Cause hinder or delay Justice to any but will truly Execute the said Office and Offices respectively according to his said Lordships Commission to me in that Behalf and to the true Intent and Meaning thereof and not otherwise to the best of my understanding and Judgment I will not know of any Attempt against his said Lordships Person or his Right or Dominion in to or over the said Province
p. 172 or the People therein, but I will prevent resist or Oppose it to the utmost of my Power and make the same known with all Convenient Speed to his said Lordship and I will in all things from time to time as Occasion shall require faithfully Council and Advise his said Lordship according to my Heart and Conscience So help me God

His Excellency the Governor took also the following Oath

I Thomas Bladen Esq[r] Governor of his Lordships Province of Maryland do Solemnly Swear that I will do my utmost that every the Causes Matters and things contained in the following Acts of Parliament of his Majestys Kingdom of Great Britain viz. An Act entituled An Act for the Encouraging and Encreasing of the Shipping and Navigation made in the twelfth Year of the Reign of King Charles the second, The Act for preventing Frauds and Regulating Abuses in his Majestys Customs made in the fourteenth year of the said Kings Reign: The Act for the Encouragement of Trade made in the fifteenth year of the said Kings Reign The Act to prevent the Planting of Tobacco in England and for regulating the Plantation Trade made in the twenty second and Twenty third Years of the said Kings Reign and continued by a Clause in the Act against Clandestine Running of Goods and for the more effectual Preventing of Frauds Relating to the Customs made in the fifth year of the Reign of Our Late Royal Father, The Act for the Encouragement of the Greenland and Eastland

Trades and for the better Securing the Plantation Trade made in Lib. C. B.
the twenty fifth Year of the said King Charles' Reign; The Act
for Regulating Frauds and preventing Abuses in the Plantation
Trade in the seventh and Eighth Years of King William the
third, The Act for Incouraging the Importation of Naval Stores
from her Majestys Plantations in America made in the third
and fourth years of the Reign of her late Majesty Queen Anne
so far forth as it is continued and explained by an Act giving p. 173
further Encouragement for the Importation of Naval Stores
&c. made in the Eighth year of his said late Majestys Reign
The Act to permit the Exportation of Irish Linnen Cloth to
the Plantations &c[a] made also in the third and fourth Years
of the same Queens Reign and continued and explained by
An Act pass'd in the third Year of his said late Majestys
Reign for continuing the Liberty of Exporting Irish Linnen
Cloth to the British Plantations in America Duty Free &c[a]
The Act for an Union of the two Kingdoms of England and
Scotland made in the fifth year of the same Queens Reign in
which are certain Articles relating to the Plantation Trade
more particularly the fourth fifth and Sixth The Act for
ascertaining the Rates of Foreign Coins in her Majestys Plan-
tations in America made in the Sixth year of the same Queens
Reign; The Act for the Encouragement of the Trade to
America pass'd in the same year of the said Queens Reign;
The Act for continuing several Impositions Additional Impo-
sitions and Duties upon Goods Imported &c[a] And to limit a
time for prosecution upon certain Bonds given by Merchants
(called in the Act Plantation Bonds) made in the Eighth year
of the same Queens Reign; The Act against Clandestine
Running of uncustomed Goods, and for the more effectual
Preventing of Frauds relating to the Customs made in the
fifth Year of his said late Majestys Reign, And the Act giving
further Encouragement for the Importation of Naval Stores
and for other Purposes therein mentioned made in the Eighth
Year of his said late Majestys Reign; And also the Act for
the more effectual Suppressing of Piracy made in the same
Year of his late Majestys Reign now in Force relating to this
Province and in all other Acts of Parliament now in Force or
that hereafter shall be made relating to our Colonies or Plan-
tations shall be punctually and Bona fide observed according
to the true Intent and Meaning of the same Acts of Parliament
So help me God

The honourable Samuel Ogle Esq[r] delivers to his Excel-
lency the Great Seal of this Province and thereupon his Excel- p. 174
lency the Governor takes the Oath of Chancellor in the
following Words

Lib. C. B. I Thomas Bladen do swear that as Chancellor and Keeper of the Great Seal of this Province I will well and truly serve his Lordship the Right Honourable the Lord Proprietary of this Province and do equal Right to all his Majestys Subjects to the best of my Understanding Skill and Knowledge I will not debar or hinder the Prosecution of Justice nor take any Gift Bribe Reward or Fee for the delaying thereof but will behave myself justly and truly and hear Act Judge Decree and Determine all matters that shall regularly come before me for Determination according to Equity and good Conscience according to the duty of my said Office and according to the best of my Knowledge during my continuance in the said Office or until I shall be by Lawful Authority discharged therefrom So help me God

All which said Oaths were Administered to his Excellency by the Members of his Lordships Honourable Council now present

After taking the several Oaths aforesaid his Excellency subscribed the Oath of Abjuration and Test according to the directions of the Act of Assembly aforesaid

Advised, Resolved and Ordered that A Proclamation be forthwith issued for the Publication of his Excellency the Governors Commission and directing all Officers Civil and Military to continue in the Execution and Discharge of their several Offices until his Excellencys Pleasure shall be further known, and signifyed therein, which Proclamation being prepared is as follows Viz.

By his Excellency Thomas Bladen Esq^{r} Governor and Commander in Chief in and over the Province of Maryland

A Proclamation

Whereas Charles Absolute Lord and Proprietary of the
p. 175 Provinces of Maryland and Avalon Lord Baron of Baltimore by his Commission under his Great Seal at Arms bearing Date at London the nineteenth day of April in the fifteenth Year of the Reign of Our Sovereign Lord King George the Second Annoq Domini 1742 has with the Approbation of his most Sacred Majesty been Pleased to constitute me the said Thomas Bladen Governor and Commander in Chief in and over this his Lordships Province of Maryland which Commission was this day published in the Presence and hearing of the members of his Lordships Honourable Council and others the Kings Subjects his Lordships Tenants in this Province At the City of Annapolis I have therefore by and

with the Advice of his Lordships Council of State thought fit Lib. C. B.
to issue this my Proclamation notifying the same to all Sheriffs Magistrates and others his Lordships Officers in this Province And I do further Will and direct that all Officers both Civil and Military execute and discharge the several Trusts and Duties in them reposed and enjoyned by the present respective Commissions to them granted until such time as my further Pleasure and directions shall be signified therein

Given At the City of Annapolis this 23^{d} day of August In the Sixteenth year of the Reign of Our Sovereign Lord George the Second and in the twenty eighth Year of his Lordships Dominion &c^{a} Annoq Domini 1742

J Ross Cł Conc.

At a Council held in the Council Chamber at the City of Annapolis on Saturday the 28th day of August in the twenty Eighth year of his Lordships Dominion Annoq Domini 1742

Present

His Excellency Thomas Bladen Esq^{r} Governor

The hon̄ble { Benjamin Tasker Esq^{r}, Edmund Jenings Esq^{r}, Coł James Hollyday } { Coł Charles Hammond, Col James Harris, Samuel Chamberlain Esq^{r}, Philip Thomas Esq^{r} }

His Excellency is pleased to acquaint this Board that His p. 176
Lordp desires to assure them of the just Sense He has of, and real Value & Confidence he places in their Resolutions for his Honour, and the true Interest of the Country, and that as He has no other Aim but to make the Province happy, so He has no Doubt but that They will continue to concur in every Measure conducing to so good an End, and that None can be more effectual than a proper Support of Government in all It's Branches.

His Excellency having communicated to this Board a Report made to him by the Justices of Charles County of their having passed Sentence of Death upon two Negro Men, named James & Zeno belonging to M^{r} Henry Hawkins for Felony, and also a Recommendation of the said Justices to his Excellency, that the abovementioned Negroes are Objects of Mercy, they not having before this Instance been charged with any Felony; It is the humble Advice of this Board that his Excellency be pleased to order Pardons to issue for the said Negroes James & Zeno, which by his Excellencys directions issued accordingly

Ordered by his Excellency the Governor with the Advice of this Board that the present General Assembly which stands

Lib. C. B. prorogued to the seventh day of September next be further prorogued to the 21st Day of the same Month, and Proclamations issued accordingly

At a Council held in the Council Chamber at the City of Annapolis on Saturday the twenty fifth day of September in the 28th year of his Lordships Dominion Annoq Domini 1742

p. 177 Present

His Excellency Thomas Bladen Esqr Governor

The hon̄ble { Benjamin Tasker Esqr, Philip Lee Esqr, George Plater Esqr, Edmund Jenings Esqr } { Col James Hollyday, Col Charles Hammond, Col James Harris, Philip Thomas Esqr }

His Excellency acquaints the Board that He had appointed Daniel Dulany Esqr a Member of his Lordships Council, and that He now attends in order to be qualified

Whereupon the said Daniel Dulany Esqr takes the Oaths to the Government appointed to be taken by Act of Assembly, & likewise the Oath of a Councillor, and subscribes the Abjuration and Test, and takes his Place at the Board accordingly

At a Council held in the Council Chamber on Tuesday 7th day of October in the 28th year of his Lordships Dominion Annoq Domini 1742

Present

His Excellency Thomas Bladen Esqr Governor

The hon̄ble { Benjamin Tasker Esqr, George Plater Esqr, Edmund Jenings Esqr, Col James Hollyday, Col Charles Hammond } { Col James Harris, Saml Chamberlain Esqr, Philip Thomas Esqr, Daniel Dulany Esqr }

Upon reading and considering the Petitions of the Revd Mr John Lang Rector of St James's Parish in Ann Arundel County & the Answers of the said Vestry thereto, and what has been alledged on Each Side; This Board judging that
p. 178 some other Expedient, rather than a Decision on the Point in Question might be more likely to reconcile the Incumbent and Vestry; They for that purpose think proper to recommend to the Vestry, As It is really a Matter of Justice & Compassion, to make Mr Lang a reasonable Satisfaction out of the Tobacco in Question, for what He has expended or is lyable to pay on Account of any such Buildings and Improvements as He has

made on the Glebe, and which might be necessary and convenient for the Incumbent to have, Mr Lang giving sufficient Security to indemnify the Vestry for any Tobaccos so allowed him, and that whatever Tobacco (if any) Mr Lang has actually received from the Vestry out of the Tobacco in Dispute to be deemed a Part of what shall be allowed him Lib. C. B.

Read the Petition of Philip Green and Others against the Vestry of Queen Anns Parish in Prince Georges County, Ordered that a Copy of the said Petition be given to the Vestry, and that all Parties have Notice to attend this Board on Monday next

At a Council held in the Council Chamber on Saturday the 11th of October in the 28th year of his Lordships Dominion Annoq Domini 1742

Present

His Excellency Thomas Bladen Esqr Governor

The hoñble { Benjamin Tasker Esqr, George Plater Esqr, Edmund Jenings Esqr, Coł James Hollyday, Coł Levin Gale, Saml Chamberlain Esqr, Philip Thomas Esqr, Daniel Dulany Esqr }

To His Excellency Thomas Bladen Esqr Governor of Maryland & his Ldps hoñble Council of the Province afd

The Petition of Philip Green of Prince Georges County on behalf of himself and sundry the Inhabitants and Parishioners of the Upper Part of Queen Anns Parish in Prince Georges County p. 179

Humbly Sheweth

That about thirty years ago the late Mrs. Mary Henderson before her Intermarriage with the reverend Mr Jacob Henderson for the Ease of the Parishioners of the Upper End of the said Parish in order to hear the Word of God read & preached, and to joyn in Prayers began to build a Chappel, which was afterwards finished by the said Jacob Henderson

That thereafter the Minister of the said Parish at first on every third Sunday, and afterwards for many Years every other Sunday did resort to the said Chappel to read the Prayers of the Church and preach; That your Petitioner and sundry Inhabitants afd did attend divine Service, and at their own Cost provided themselves with handsome Seats or Benches, and with the Consent of the said Henderson and his Spouse have had the Use of the said Seats and Benches for about twenty five Years.

Lib. C. B. That on the third Day of August 1737 the s^{d} Jacob Henderson by Deed of Gift gave the said Chappel with four Acres of Land to his Lordship the right hon̄ble the Lord Proprietary for the Use of the said Parish

That the said Henderson having at his own Expences new shingled the said Chappel acquainted those that had Seats there, that He expected they would thereafter at their own Expence keep it in Repair.

That your Pet^{rs} and several of the remote Inhabitants of the said Parish conceiving it reasonable, as they paid a ratable Part for the Repairs of the Mother Church with those that did attend and had the benefit of Divine Worship in said Church, that the Parishioners attending said Church should likewise joyn with your Pet^{rs} for repairing the said Chappel, At an Assembly held in May 1741 petitioned the then General Assembly, and therein set forth the before recited p̄mises, and likewise that if the said Chappel should go to Ruin, It would
p. 180 run the Parish to a great Charge, there being a Necessity for a Chappel in that Part of the said Parish; They therefore prayed that an Act might pass impowering the Justices of the said County to levy on the taxable Persons of said Parish One hundred Pounds Current money to compleat the Repairs of the said Chappel, and that the same might be deemed a Chappel of the said Parish, and thereafter repaired at the parish Charge, whereupon An Act passed agreeable to the Prayer of the Petition

Your Pet^{rs} likewise humbly shew that from the time af^{d} Your Pet^{rs} enjoyed their Seats and Benches without any manner of Interruption or Molestation, until about the middle of June last, the Vestry Clerk gave Notice, that the Vestry had resolved to lay the Chappel out into Pews, and that they desired the Parishioners to meet them on the third Tuesday in August following to treat on that Affair

At which Day several of the Parishioners that frequent the Chappel met and expostulated with the Vestry in hopes to have prevailed with them not to alter their Seats, or to permit the Parishioners to vote whether the Chappel should be laid into Pews or not, and were told by One of the Vestry, that they would not admit of their Votes, and by another that they (the Vestry) were come there to lay it into Pews, and if they were injured he supposed they knew how to help themselves, and accordingly the Vestry without Consent of the Minister proceeded to lay said Chappel into Pews, as appears by Copy of said Vestry's Proceedings hereunto annexed

And your Petitioners likewise shew that some of the Parish^{rs} belonging to the Chappel who were displeased with their Proceedings and who before had Seats and Benches therein,

perceiving the Vestry would proceed and draw for Pews, Lib. C. B.
being perswaded that in Case they did not draw they would go without Seats in the said Chappel, under these Circumstances did draw, altho' they would much rather have kept their former Seats, without being at the unnecessary Charge
of building of Pews: And that the Pews so drawn for, for the p. 181
most part were by such of the Parishioners who live convenient to the Church & have Seats there

Your Petrs humbly conceive the Proceedings of the said Vestry to be illegal, that the Intent of the Donors and the Act of Assembly will be thereby defeated, and that your Petrs and those living convenient to the sd Chappel will lose their Seats and Benches, and for the future be debarred the Benefit of divine Service

Your Petitrs therefore appeal from the Proceedings of the said Vestry to your Excellency and Honours, and most humbly pray that Notice may be given the said Vestry to appear before Your Excellency and Honours, and a short day appointed them to answer the Premises and in the mean time until your Excellency and Honours have made some Order therein the said Vestry may desist from removing your Petitioners Seats or Benches, or building or erecting Pews in the said Chappel

And your Petitrs shall ever pray &c.

Wm Cuming p Petrs

At a Meeting of the Vestry 10th June 1742 at the Chappel

Present

Captn Jerem: Bell Mr John Cooke Churchwardens

The Revd Mr Jacob Henderson } Mr Thomas Lancaster
Major Edwd Sprigg } Mr Osborn Sprigg
Mr Benjamin Hall } Mr Thomas Grant

Vestrymen

The Vestry apprehending that the Chappel would more commodiously hold the Inhabitants if the same was divided into Pews resolve that It be done

Ordered that the Clerk advertise the Parishioners by setting up Advertisements and giving publick Notice by Word of Mouth at the Parish Church and the Chappel of the said Resolve, and that the Vestry desire them to meet them at the Chappel the first Tuesday in August next on that Affair

Tuesday the 3d Day of August

The Vestry met at the Chappel

Present as on 10th of June

The Vestry agree that the Chappel be divided into Pews &

Lib. C. B. distributed amongst the Inhabitants in the following Manner Viz. Ordered that the Ground be marked out and numbered 1. 2. 3 &c Ordered that the Clerk make Tickets & number them on the Inside with the same Numbers as the Places for the Pews both which were done: The Families minded to take Parts of Pews Each Pew being intended to hold three Families (except N° 4 which being a small Pew was granted to M^r Thomas Grant & M^r Thomas Hillary) joyned themselves together by Threes One of which drew for the Three; the first Lott drawn was N° 1 which M^r Osborn Sprigg drew for himself M^r Jn° Cook and M^r Thomas Waring: the second drawn was N° 7 which fell to M^r Richard Isaac M^r Joseph Peach and M^r William Ducker the next drawn N° 15 to Major Edward Sprigg M^r Joseph Belt & M^r William Hillary; the next N° 6 to M^r Robert Wheeler Sen^r M^r Rob^t Wheeler jun^r & M^r Philip Pindle; the next N° 3 to Capt^n Jeremiah Belt M^r Thomas Williams and M^r John Hillary; the next N° 16 to M^r Mareen Duval M^r Lewis Duval & M^r John Duval; the next N° 8 to M^r George Parker M^r Samuel Farmer and M^r Ninian Maricerte the next N° 5 to M^r John Child M^r Samuel Tyler & M^r Edward Tyler; the next N° 13 to M^r Benjamin Hall M^r Rignald Odell & M^rs Mary Hall; the next N° 14 to M^r Benja min Jacob to M^r Mordecai Jacob and James Beck; the next N° 11 to M^r Benjamin West M^r Richard Duckett & M^rs Eleanor Hillary; the next N° 2 to M^r William Gee M^r Benjamin Boyd and M^rs Deborah Boyd; the next N° 10 to M^r Richard Symmonds M^rs Elizabeth Turnor & M^r Jon^n Symmonds the next N° 12 to D^r William Denune M^r W^m Fowler & M^r Mark Brown; the next N° 9 to M^r Sam^l Brashears M^r Jn° Brashears & M^r William Brashears; The People to build the Pews uniform at their own Expence

The Answer of the Vestrymen of Queen Ann Parish to the Petition of Philip Green in behalf of himself and Others.

p. 182 The same Vestrymen say that it is true they had resolved to lay the Chappel mentioned in the Petition af^d out into Pews and thereupon gave Notice to the Parishioners as is alledged in the said Petition to meet at an appointed Day to treat on that Affair, which Resolution the said Vestrymen came into as judging it more convenient as well as more decent both for the Parishioners in general and for the Inhabitants near the said Chappel in particular. And they further say that they did accordingly cause the same Chappel to be laid out into Pews, and the same Pews to be drawn or taken up by the Parishioners by Ballott or Tickets as the Petition sets forth,

and that they took this Method to prevent any Suspicion of Partiality and that all Parishioners might have equal Chances; but these Respondts deny that this was done without Consent of the Minister, but that the Minister was present and consenting to the same at the time It was done, as appears by the Transcript of the Vestry Proceedings brought into this honourable Court by the Petitioners Lib. C. B.

These Respondents humbly conceive that since by the Act of Assembly afd this Chappel is made a Chappel of the Parish, & that all the Parishioners of the said Parish are subject to be taxed for the Repairs of it, it therefore becomes as much under the Direction & Care of the Vestry as the Parish Church, and that all the said Parishionrs are entituled to the Use and Benefit thereof, and they expressly aver that this was the Intent of the Donor as well as of said Act of Assembly

These Respondents deny that by laying out the sd Chappel into Pews the Petitioner or Others will be deprived of Seats or debarred from the Benefit of divine Service, and say, there will be now more Room and Conveniency therein than before, and that there are yet many Pews to be taken up, and more space still left to be laid out, which when built with Pews will afford sufficient Room to the Inhabitants living near the said Chappel and Others to sit in

These Respondents say that what they have done in this matter is warranted by the Laws of this Province as well as the constant Usage of the Country in such Cases, and what they looked upon as their duty to do And therefore in humble manner submit the same to this honourable Board not doubting such Order therein as is agreeable to Justice p. 183

Ja Calder p Vestry

This Board having heard Council on both sides and taking the afd Petition and Answer into Consideration is pleased to order that the said Petition be rejected because the Petitioners do not seem to have been injured by any thing which the Vestry have done; And His Excellency the Governor on behalf of the Right hon̄ble the Ld Propry as Ordinary consents that the Vestry go on to complete the Pews in the Chappel mentioned in the Petition and whatever else may be needful for Decency and Order

At a Council held in the Council Chamber on Friday the 15th day of October in the 28th year of his Lordships Dominion Annoq Dom. 1742

Lib. C. B.

Present

His Excellency Thomas Bladen Esq^{r} Governor

The hon̄ble	Benjamin Tasker Esq^{r}	Col Gale
	George Plater Esq^{r}	Sam^{l} Chamberlain Esq^{r}
	Edmund Jenings Esq^{r}	Philip Thomas Esq^{r}
	Col Hollyday	Daniel Dulany Esq^{r}
	Col Hammond	

The following Proclamation being prepared is read & approved of & ordered to issue accordingly

p. 184 Maryland ss.

By His Excellency Thomas Bladen Esq^{r} Governor & Commander in Chief in & over the Province of Maryland

A Proclamation

Forasmuch As It appears by the Publick Records that in all the Articles of Peace that have ever been concluded with the Indians in this Province since it's Settlement by the English, It hath been agreed that the Privilege of hunting and fishing should be preserved to them inviolably, And forasmuch as several Complaints have been made to me by and on behalf of sundry Indians on the Eastern Shoar, that many People notwithstanding the Justice of this Agreement have debarred the Indians of Exercising these Privileges and destroyed their Traps when made to take wild Beasts I have therefore thought proper by and with the Advice of his Lordships Council of State to issue this my Proclamation, hereby requiring all Officers Civil and Military and all Other Persons whatsoever to use their utmost Endeavours to have the Articles of Peace at present subsisting with the Indians complyed with, and that they take particular Care that they be not obstructed in their hunting fishing or making Traps for wild Beasts and Vermin so long as they shall behave peaceably Given at the City of Annapolis this 15th day of October in the 28th year of his Lordships Dominion Annoq Domini 1742.

At a Council held in the Council Chamber on Wednesday the 20th day of October in the 28th Year of his Lordships Dominion Annoq Dni. 1742

Present

His Excellency Thomas Bladen Esq^{r} Governor

The hon̄ble	Benjamin Tasker Esq^{r}	Col Levin Gale
	George Plater Esq^{r}	Col James Harris
	Edmund Jenings Esq^{r}	Saml. Chamberlayne Esq^{r}
	Col James Hollyday	Philip Thomas Esq^{r}
	Col Charles Hammond	Daniel Dulany Esq^{r}

His Excellency is pleased to lay before this Board an Instruction from the Lord Proprietary to him in the following Words Lib. C. B. p. 185

"You shall at such times and in such manner as may be proper and convenient give Directions to Our Agent and the several Receivers of Our Quit Rents not to insist on or receive from any Person whatsoever any Fine or Fines on or for any Lands which have been or shall be alienated by Devise"

It is the humble Advice of this Board to his Excellency that he be pleased to order Proclamation to issue notifying the same, which Proclamation being prepared, is read & approved of & issued accordingly

Maryland ss.

By His Excellency Thomas Bladen Esq^{r} Gov^{r} & Comm^{r} in Chief in & over the Province of Maryland

A Proclamation

Whereas some Uneasinesses have arisen concerning the Right of his Lordship the Lord Proprietary to Alienation fines on Devises of Lands, and that his Lordship desirous to shew his Readiness to give his Tenants Ease and Satisfaction in whatever may be thought reasonable in any Degree, tho' to the Diminution of his own strictly legal Rights hath been pleased to direct, Orders should be given to his Agent and the several Receivers of his Quit Rents not to insist on or receive from any Person whatsoever, any Fine or Fines on or for any Lands which have been or shall be alienated by Devise, to the End his Lordships Pleasure may be known, and that all ꝑsons concerned may have due Notice thereof I have thought fit by and with the Advice of his Lordps Council of State to issue this my Proclamation strictly charging and requiring the several Sheriffs of this Province to make this my Proclamation publick in their respective Counties in the usual manner that all Persons concerned may conform themselves thereto as they will answer the Contrary at their Peril Given at the City of Annapolis this 20th day of October in the 28th year of his Ldps Dominion Annoq Domini 1742

J Ross Cl. Concl.

At a Council held in the Council Chamber on 8th day of December in the 28th year of his Lordships Dominion Annoq Domini 1742 p. 186

Lib. C. B.

Present

His Excellency Thomas Bladen Esq^{r} Governor

The honourable { Benjamin Tasker Esq^{r} / Edmund Jenings Esq^{r} } { Coł Charles Hammond / Daniel Dulany Esq^{r} }

Ordered that the honble Coł Charles Hammond Treasurer of the Western Shoar pay out of the Duty of three Pence ꝑ hh^{d} for the purchase of Arms and Ammunition to Patrick Creagh the sum of fifteen Pounds Sterling being the sum agreed to be paid him for a Piece of Ground within the City of Annapolis in order to build a Magazine for the preservation of the Publick Arms in the said City; And It is likewise ordered that the said Coł Hammond pay out of the Duty af^{d} to the before mentioned Patrick Creagh the sum of Eighty
p. 187 Pounds Sterling, for his the s^{d} Creaghs building the af^{d} Magazine, and upon his the said Creaghs making such Title to the Land purchased from him by Coł Hammond, where the Magazine stands, as the Attorney Gen^{l} shall approve of

Ordered that the honble Coł Charles Hammond Treasurer of the Western Shoar send to M^{r} Samuel Hyde Merchant in London for 1000 Lw^{t} of Powder, 1000 Lw^{t} Muskett Ball & 5000 Gun Flints, and that He direct M^{r} Hyde to charge the Amount thereof to the Fund of three Pence ꝑ hh^{d} for purchasing Arms and Ammunition lodged in his the said Hydes hands.

At a Council held at the house of his Excellency the Governor on Wednesday the 4th day of february in the 28th year of his Lordships Dominion Annoq Domini 1742

Present

His Excellency Thomas Bladen Esq^{r} Governor

The hon̄ble { Benjamin Tasker Esq^{r} / Edmund Jenings Esq^{r} } { Coł Charles Hammond / Daniel Dulany Esq^{r} }

Ordered that the Clerk of this Board write to M^{r} Sam^{l} Hyde Merchant in London to send in for the Use of this Province 240 Carabines with Bayonets & Slings, 250 Horsemens basket hilted swords and Belts, 1000 Lw^{t} of Pistol Powder, and 5000 Lw^{t} Carabine Ball, and that he direct M^{r} Hyde to insure the same, and that he Charge the whole Amount thereof to the Ballance of the Acc^{t} of Samuel Young Esq^{r} late Treasurer of the Western Shoar of this Province; of three pence ꝑ hh^{d} for purchasing Arms and Ammunition lodged in his the said Hydes hands by the aforementioned Sam^{l} Young Esq^{r}

9th february 1742 Lib. C. B.

Ordered by his Excellency the Governor that the present General Assembly of this Province which stands prorogued to the first Tuesday in March next be further prorogued to the second Tuesday in May next being the 10th day of the same Month and Proclamations issued accordingly.

At a Council held at the House of his Excellency the Governor on Friday the 27th day of February in the 28th year of his Lordships Dominion Annoq Domini 1742

Present

His Excellency Thomas Bladen Esqr Governor

The hon̄ble { Benjamin Tasker Esqr, Edmund Jenings Esqr, Coł Charles Hammond } { Coł Levin Gale, Daniel Dulany Esqr }

Whereas in Order to induce the Northern Indians to come into some Part of this Province to treat with this Government It is necessary to provide for their Subsistence in coming hither, and Coł Gale going to Philadelphia, is desired by this Board to take Care to provide in a proper manner for the Subsistence of the said Indians in their Iourney to this Province and whatever He shall expend or engage for on that Occasion to be repaid him out of the Fund of three pence p hhd for Arms.

At a Council held at the house of his Excellency the Governor on Thursday the 17th day of March in the 28th year of his Lordships Dominion Annoq Domini 1742

Present

His Excellency Thomas Bladen Esqr Governor

The hon̄ble { Benjamin Tasker Esqr, Edmund Jenings Esqr, Coł Charles Hammond } { Coł Levin Gale, Philip Thomas Esqr, Daniel Dulany Esqr }

Col Gale having been lately at Philadelphia lays before this Board the following Letters and Account p. 189

Sr

Last Summer when Mr Chase and I went to Shomakin on a Message from Governor Ogle to the Six Nations to invite them to Annapolis, Shikellimo a Chief of the Six Nations who resides at Shomakin undertook to carry that Message to

Lib. C. B. Onontago the Place where the Six Nations hold their Council, he then set out immediately, and about half way he overtook some of the Onontagers who had been at the last Indian Treaty in Philadelphia, amongst whom was Caxhayion One of the Chiefs of Onontago, who undertook to carry the Message to Onontago and manage it in the best manner and promised to bring down an Answer from the Council to Shikellimo, and so Shikellimo returned back and informed of it, since that he was informed by some Warriors that Caxhayon stayed a hunting by the way and had been neglectful in fulfilling his Promise and resolved to go to Onontago so soon as he possibly could, and he was making ready to go when the News of the Skirmish betwixt the Virginians and some of the Six Nation Warriors reached Shomakin, he then expecting a Message from Governor Thomas staid till that Message came, which was in the Begining of February last, when I came to Shomakin with a Message from Governor Thomas to the Six Nations. I found Shikellimo very much concerned because for the Neglectfulness of Caxhayion, & as he together with Saghsidowa another Chief of the Six Nations, undertook to carry the Message to Onontago. We talked the Message from Gov^{r} Ogle over again, and he promised faithfully he
p. 190 would not leave Onontago till he had a full Answer, and he did not doubt a satisfactory One to the Governor of Maryland concerning his Affair, and as the unhappy Skirmish in Virginia gave an Occasion of a great deal of Discourse betwixt me and said Chiefs at Shomakin, they doubted whether the Chiefs of the Six Nations would come to Annapolis so near to the Virginians, who were no doubt inclined for a War, otherwise they would not have begun Hostilities in that manner as they did, but they told me they would come to the inhabited Part of Pensilvania & send for me to consult with me, and Shikellimo desired me to provide some Provisions about John Harris's ferry for them, which accordingly I did, and bespoke a hundred Bushels of Wheat for them at Joseph Chambers Mill near the s^{d} ferry which I think is not too much for their Coming and Going, and I promised Shikellimo handsome Reward for his Trouble and good Service, in hopes that the Government of Maryland will make my Promise good I did it by the Encouragement of Governor Thomas who assured me that it would be agreeable to that Government, and I think let things be as it will they the Chiefs of the said Indians may be prevailed with to come within the Borders of Maryland (if not to Annapolis) to treat with the Governor of that Province. Let him pitch upon a Place where Bread or Meal Beef or Mutton is to be had some Pipes good Tobacco, and some good Rum should not be forgot, and where they can get Bark to make little Wig

Wams, all which will please them very well. this is all I can Lib. C. B.
say at present You may be assured that I shall use the best of
my Endeavours with the Indians for the Service of the Gov-
ernment of Maryland

I understood that Mr Cresap was to go up to the Six Nations
to concert Measures with them, or deliver a Message to them,
You will be able to judge by what I said here and did at
Shomakin, whether there is any Necessity for his going up,
I for my part don't think there is, and more than that I think
he is in no favour at all with them, according to what I heard p. 191
they look upon him as a Man that either wants Wit or Honesty
because for his ill Management last Summer in endeavouring
to buy Land of the Warriors (these were their own Words to
me) As for perswading their Chiefs to come to Patowmeck to
treat there, I don't think it adviseable to mention One Syllable
to them of it because they think the Governor of Virginia or
his Deputies ought to meet them, and not they him, because
the Virginians broke the Peace and gave the Offence, and
ever have given it, as they say they circumstantially informed
Governor Thomas and they do insist upon the Particulars
mentioned in that Narrative taken at Shomakin by me from
the Mouth of Shikellimo and Saghsidowa in Council

I expect Shikellimo to return by the middle of April with
full Powers to conclude upon the Place for holding the Treaty,
& shall immediately upon his Return dispatch a Messenger
to Annapolis with an Acco[t] of the Answer he brings from the
Six Nations.

This being all the necessary that occurrs at present I re-
main Sir

Your very humble Servant

Phil[a] 9 March 1742/3 Conrade Weiser

To Col Gale

Philad[a] 10 March 1742

Sir

I apprehend by Yours of yesterday and the Conversation I
have had with you that you think the Indians of the Six
Nations are very desirous to make a Treaty of Friendship
with the Governor of Maryland, and that the Difference which
lately happened in Virginia will be no Obstruction to it

I further apprehend the Indians have nothing near so
favourable Sentiments concerning the Virginians as they have
of the People of Maryland, and that they do not care to come
near Virginia till a Peace be made with the Governor of that
Colony, and that you think the Gov[r] of Maryland would oblige p. 192
the Indians very much if he would either meet them himself
or send Persons to treat with them near some Part of the

Lib. C. B. River Susquehannah, since that River is remote from Virginia, and would allow them to come by Water to the Treaty the greatest Part of the Way from their respective Countrys

I am very sorry to hear the Indians have such Doubts concerning the Virginians I am certain they have no Reason to fear the Virginians will hurt them, and I desire you will as soon as you have an Opportunity assure them they may depend that the Governor of Maryland will protect them whenever they come within that Province against all Persons whatsoever, and that he will either send Persons to treat with them, or meet them himself for that purpose at some Part of Susquehannah within the province of Maryland, that he will be very glad to make their Journey as easy to them as he can, and does not incline to give them the Trouble of walking so far as they necessarily must if they go to Annapolis, and as you depend upon seeing Shikellimo as soon as he returns from the Six Nations I desire you will consult him upon this Point and get it fixed as you proposed yesterday by leaving it to the Governor of Maryland to name a place in that Province near Susquehannah, and that you will by a letter to be sent by a special Messenger let the Governor of Maryland know what you learn from Shikellimo concerning Governor Ogles Message to them, and whatever else you think proper and be as particular in your Relation as you can, I also desire you will make proper Provision for the Entertainment of the Indians, and be assured that your Services in this Affair will meet a suitable Return, & very much oblige all Persons concerned

To Mr Conrade Weiser I am Sir
Your humble Servant
Direct your Letter to the Levin Gale
Govr of Maryland as follows To
His Excellency Thomas Bladen Esqr
Governor of Maryland

p. 193 Acco^{t} of sundrys bought at Philadelphia by Levin Gale

47 Guns sorted at 12 : 9	29 : 19 : 3	
11 List & 2 Wood Cases	0 : 14 : 0	30 : 13 : 3
4 Ps Strouds at 4 : 1 : 6	16 : 06 : 0	
2 Ps Do at 5 : 2 : 0	10 : 04 : 0	
3 Ps ½ thicks at 2 : 7 : 6	7 : 02 : 6	
2 Ps striped Duffels at 4 : 11 : 0	9 : 02 : 0	
2 Ps Do at 5 : 02 : 0	10 : 04 : 0	52 : 18 : 6
		83 : 11 : 9

Errors Excepted 17th March 1742
Levin Gale

The Fund for Arms & Ammunition to Levin Gale Dr Lib C. B.

	Sterl
To sundrys bought for a Present to the Indians	83 : 11 : 9
To paid Conrade Weiser 30 : 00 : 0	
To paid a Messenger to go to Weiser 3 : 00 : 0	
33 : 00 : 0 is Sterl	20 : 19 : 2
	104 : 10 : 11

17th March 1742
Errors Excepted p
Levin Gale

Ordered that the hoñble Coł Charles Hammond Trear. of the Western Shoar draw an Order on Mr Samuel Hyde Merchant in London payable to Levin Gale Esqr or Order out of the Duty of three pence p hhd for Arms for the sum of One hundred and four pounds ten shillings and Eleven pence Sterling being so much laid out by him the said Gale in the Purchase of Sundry Goods at Philadelphia as presents for the Indians, and Money advanced by him to Conrade Weiser, as by the above Account appears.

At a Council held at the house of his Excellency the Governor in the City of Annapolis on Saturday the 30th day of April in the 29th Year of his Lordships Dominion Annoq Domini 1743. p. 194

Present

His Excellency Thomas Bladen Esqr Governor

The hoñble { Benjamin Tasker Esqr
Edmund Jenings Esqr
Daniel Dulany Esqr

His Excellency is pleased to lay before this Board the following Letter

Sir

Our Indian Interpreter and Shikallemy the Chief of the Indians at Shamokin having delivered to me the Result of the Council of the Six Nations at Onontago upon the several Matters they were charged with, I have herewith enclosed a Copy of it altho' only a small Part of this Report relates to Maryland, I thought the whole might not be unacceptable as it will give you some Insight into the Stile & Genius of those People

Lib. C. B. As the Indians expect to be well paid for Everything they do and the Greatest Men amongst them are not above taking Money I have rewarded this Chief and his Fellow Travellers with Ten pounds on Account of the Government of Maryland, besides what I gave on Acc[t] of Virginia. If the Place mentioned by the Indians for the Treaty next Spring should not be agreeable to you, the Interpreter tells me that he believes they may be prevailed upon to come down to that proposed by Col Gale

I am S[r]
Your most obed[t] humble Serv[t]
Phil[a] 25 April 1743 Geo: Thomas
The honble Thomas Bladen Esq[r]
Governor of Maryland

p. 195 The Report of Conrade Weiser the Indian Interpret[r] of his Journeys to Shamokin on the Affairs of Virginia & Maryland delivered to the Gov[r] in Council the 21[st] day of April 1743

The 9[th] of April I arrived at Shamokin by Order of the Gov[r] of Pensilvania to acquaint the neighbouring Indians and those on Wyomink that the Gov[r] of Virginia was well pleased with his Mediation, and was willing to come to an Agreement with the Six Nations about the Land his People were settled upon if it was that contended for, and to make up the Matter of the late unhappy Skirmish in an amicable Way

(a) Shikallimo One of the Chiefs of the Six Nations residing at Shamokin for Pensilvania Affairs.

The Same Day Shikallimo [(a)] his Son and Sachsidowa, who had been sent to the Six Nations, with an Offer of the Governors Mediation to them, returned from Onontago, and the next day they in open Council delivered the following Message, directing their Speech in behalf of the Six Nations to the Gov[r] of Pensilvania according to what was agreed upon by the Council of the said Indians in Onontago

(b) The Indian Name for the Gov[r] of Pensilvania.

Brother Onas [(b)]

At this critical time We received a kind Message from you, the Result of the good Friendship subsisting between you and Us: for such purposes a Road was cleared from Our Country to Yours, in which at any time Conrad Weiser and Shikallimo may travel; We open Our Doors with Chearfulness to your Messengers and are glad to hear from you

He laid down two Strings of Wampum

Brother Onas

We thank you for the Concern you shew for the Misfortune that befell Our Warriors in Virginia: We take it as a particular Mark of Friendship: We assure you that notwith-

standing the unjust Treatment Our Warriors met with in Lib. C. B.
Virginia, We did not allow Our Heads to be giddy, nor to resent it as it deserved, which might have occasioned a Violation of Treaties and the Destruction of many

He laid down four Strings of Wampum

Brother Onas p. 196

We thank you very kindly for the early Steps you made in calling your old and wise Men together to consult with them, It was a very prudent and good Advice they gave you to become Mediator betwixt Us your Brethren, and the Virginians your Neighbours: We thank them for such good Advice, and We assure you we will accordingly come to an amicable Accommodation with the Governor of Virginia if he will come to reasonable Terms: And if a War should break out betwixt Us and him, you will be convinced of his being the Author of it

For when in former times We received a deadly Blow We never returned it if it was ever so dangerous We always judged it to be given by disorderly People, and We used always peaceable means to make it up, but when We received the second Blow We judged that War was intended against Us, and then We rose and knocked down Our Enemies with One Blow and We are still able to do the same, but We leave now Our Case to you, We have ordered Our Warriors with the strongest Words to sit down and not to revenge themselves Therefore Brother Onas go on with Courage in your Mediation, We assure you we will not violate or do any thing contrary to your Mediation, We desire you and the Old and Wise Men of Pensilvania not to believe any thing to the contrary let it come from whom It will, till you receive Messages from Us, we will do the same on Our side

In Confirmation of what we say We lay down this Belt of Wampum before you.

Then the Speech was directed to the Governor of Maryland

Brother the Governor of Maryland

You have invited Us to come to your Town, and you offered to treat with Us concerning the Messages we sent you by our Brother the Governor of Pensilvania, and to establish good Friendship with Us, we are very glad you did so, and We thank you for your kind Invitation

Brother

We have a great deal of Business and things of Moment p. 197
under Our Deliberation, and it will take Us the best of the

Lib. C. B. Day (this Summer) before we can finish them, We therefore desire you will set your heart at Ease, and think on nothing but what is good: We will come down & treat with you at Canataquany* to morrow Morning (next Spring) since you live so near the Sea and at such a great Distance from Us. We accept kindly of your Invitation; our Brother the Gov. of Pensilvania recommended your Message to Us, which he would not have done, if he had not been satisfyed your Intention was good, We therefore promise you by these strings of Wampum to come and treat with you at the af[d] Place

*A Place near Harris' ferry on Susquehannah.

The Speaker laid down four Strings of Wampum

Then the Speaker directed his Speech to the Gov[r] of Pensilv[a] and said

Brother Onas

The Dutchman on Skokoniady (Juniata) claims a Right to the Land merely because he gave a little Victuals to our Warriors who stand very often in need of it, This String of Wampum serves (the Speaker then took two Strings of Wampum in his hands) to take the Dutchman by the Arm, and to throw him over the big Mountains within your Borders, We have given Skokoniady (Juniata) for a hunting Place to our Cousins the Delaware Indians and Our Brethren the Shawanoes, and We Ourselves hunt there sometimes. We therefore desire you will immediately by force remove all those that live on the said River of Skokoniady

Here he laid down two strings of Wampum

Then the Speaker in behalf of Cachawatsiky the Shawanese Chief at Wyomink and of Nocheconna the Shawanese Chief at Ohio related their Answers to two Messages that were sent with some Strings of Wampum by the Council held at Shamokin the first time Conrade Weiser was there He began with Nocheconnah's Answer directed to the Gov[r] of Pensilvania

p. 198

Brother the Governor of Pensilvania

I live upon this River Ohio harmless like a little Child, I can do nothing, I am but weak and I don't so much as intend mischief: I have nothing to say, and do therefore send these strings of Wampum to Cachawatsiky the Chief man again, He will answer your Message as He is the older and greater Man

Then Sachsidowa took up the strings of Wampum and spoke in behalf of Cachawatsiky as follows

Brother the Governor of Pensilvania Lib. C B.

The Place where I live and the neighbouring Country has been overshadowed of late by a very dark Cloud, I looked with a pitiful Eye upon the poor Women and Children, and then looked upon the Ground all along for Sorrow in a miserable Condition because of the poor Women and Children, In all that dark time a Message from you found the Way to Shamokin, and when it was delivered to Us the dark Cloud was dispersed and the Sun immediately began to shine, and I could see at a great distance and saw your good Will and kind Love to the Indians and the white People I thank you therefore Brother Onas for your kind Message, I am now able to comfort the poor Women and Children

Here the Speaker laid down four Strings of Wampum

Then the Speaker took up two Strings of Wampum and directed his discourse to the Deleware Indians the Shawanese and to Onas

Cousins the Delawares

We are informed that you can talk a little English by which you pretend to have heard many things amongst white People, and you frequently bring Lies amongst the Indians, and you have a very little Knowledge and Regard for Treaties of p. 199
Friendship, you give your Tongues too much Liberty: This string of Wampum serves to tie your Tongues and to forewarn you from Lies

Brethren the Shawanese

Your back Inhabitants are given to Lies, and raising of false Stories, stop up their Mouths you can do it with One Word, let no false Stories be told, it is dangerous to the Chain of Friendship

The Strings of Wampum were delivered to the Delawares

After the Speaker had finished, an handsome Dinner was given to all that were present by Shikellimo's People. After Dinner I delivered my Message to them, and presented the Company with two Rolls of Tobacco about 3 Lw^{t} Each Roll to smoke, whilst they were in Company together to talk about the good News they had heard that day according to the Custom of the Indians.

Shikellimo told me by way of Discourse that they (the Council of Onontago) had sent some strings of Wampum by him to all the Indians upon the River Susquehanna to tell them to use their Endeavours to stop all their Warriors, and

Lib. C. B. not permit them to go to fight with the People of Virginia and to acquaint them of what was agreed upon in Onontago

Which was accepted of in every Town

I enquired what Business of Moment the Six Nations had under their Deliberation that prevented their coming down to treat with the Governor of Maryland, Shickellimo asked whether I could not guess at it, I told him no. Then he said, how should they come down with a Hatchet struck in their head, The Governor of Virginia must wash off the Blood first, and take the Hatchett out of their Head, and dress the Wound (according to Custom he that struck first must do it) and the Council of the Six Nations will speak to him, and be reconciled to him, and bury that Affair in the Ground, that it never may
p. 200 be seen nor heard of any more so long as the World stands. But if the Virginians would not come to do that he (Shikellimo) believed that there would be a War, but I might assure the Gov^{r} of Pensilv^{a} the Warriors would not then come within the inhabited Part of Pensilvania but direct their Course directly to Virginia over the big Island in the North West Branch of Susquehannah

Conrad Weiser

Ordered by his Excellency the Governor with the Advice of this Board that the present General Assembly which stands prorogued to the second Tuesday in May next being the 10th day of the same Month be further prorogued to the second Tuesday in July next being the 12th day of the same Month and Proclamations issued accordingly.

At a Council held at the house of his Excellency the Governor on Wednesday the first day of June in the 29th year of his Lordships Dominion Annoq Domini 1743

Present

His Excellency Thomas Bladen Esq^{r} Governor

The hon̄ble { Benjamin Tasker Esq^{r} } Col^{l} Levin Gale
{ Edmund Jenings Esq^{r} } Daniel Dulany Esq^{r}

His Excellency having communicated to this Board the Report made to him by the hon̄ble Levin Gale Esq^{r} of his having passed Sentence of Death on two Negroes One named Jack, the Other Harry convicted on friday last at a Court of Goal Delivery held at Upper Marlborough upon very clear Evidence of wilfully murdering an Indian Man; It is the Advice of this Board to his Excellency that He be pleased to order Warrants to issue for their Execution on the first of July

next at or near the head of Seneca Creek, and that they be hung in Chains, which His Excellency ordered accordingly. Lib. C. B.

His Excellency having communicated to this Board the Report made to him by the Justices of Assize of the Western Shoar of the Proceedings in their Circuit held in April last, p. 201 And it appearing by the said Return, that they had passed Sentence of Death upon a certain Cornelius Crawley of Baltimore County for a Rape committed on a Girl under the Age of ten years, and that the Evidence against him was as full & clear as the Nature of the Case would admit of; and also upon a Certain John Lilleston of Ann Arundel County for a Burglary upon clear Evidence, & that the said John Lilleston stands charged on an Indictment for Murder and that they likewise passed Sentence of Death upon One William Ocstow a Boy of about 16 years of Age for breaking a Store, and also upon a Mulatto Boy named Jack the slave of M^{r} Daniel Carrol for breaking a Stable and Stealing a Mare; and It appearing by the said Return that the two Boys are Objects of Mercy; It is therefore the humble Advice of this Board to his Excellency that He be pleased to grant a Pardon to Mulatto Jack and William Ocstow, and to order dead Warrants to issue for the Execution of Cornelius Crawley and John Lilleston, which Pardons and Warrants his Excellency ordered accordingly.

Col Gale acquaints this Board, that the Goods bought by him at Philadelphia as Presents for the Indians amounting to £83: 11: 9 Sterl and for which he had an Order from Col Hammond on M^{r} Hyde payable out of the 3^{d} ꝑ hh^{d} for Arms, he is desirous of taking the same Goods to his own Use; and that as he is going to England, he will replace the said sum of 83: 11: 9 in M^{r} Hydes hands to be applyed to the Fund of 3^{d} for Arms, which this Board approving of It is ordered accordingly.

Col Gale acquaints the Board that the Behaviour of the Indians since the late Conspiracy entered into by them has been very friendly and civil towards the people of this Province, p. 202 and therefore requests that the Guns of the said Indians which are in the Custody of any the Inhabitants of Somerset or Dorchester Counties may be restored to them; which this Board thinking proper, ordered the same accordingly.

At a Council held in the Council Chamber on Monday the 27th day of June in the 29th year of his Lordships Dominion Annoq Domini 1743

Lib. C. B.

Present

His Excellency Thomas Bladen Esq^{r} Governor

The hon̄ble { Benjamin Tasker Esq^{r} / Edmund Jenings Esq^{r} } Col Levin Gale / Daniel Dulany Esq^{r}

His Excellency is pleased to lay before this Board his Ldps Dissent to the Assize Law, in the following Words

Charles Absolute Lord and Proprietary of the Provinces of Maryland and Avalon Lord Baron of Baltimore &c To Our Right trusty and welbeloved Thomas Bladen Esq^{r} Our Lieutenant Governor of Our Province of Maryland and to Our right trusty and welbeloved the Upper and Lower houses of Our Assembly there and to All Others in Our said Province of Maryland for the time being Greeting

C Baltimore

[Seal] Whereas at a Session of Assembly begun and held at Annapolis in Our said Province of Maryland the twenty first Day of September in the twenty Eighth Year of Our Dominion over the said Province Annoq Domini 1742 An Act was passed Entil^{d} An Act for the Tryal of all Matters of fact in the several Counties &c. On due Consideration thereof We have thought fit to dissent to the said Act, and do hereby declare the said Act Null Void and of No Effect Given under Our hand and Seal at London this 24th day of March in the twenty ninth year of Our Dominion over the said Province Annoq Domini 1742

By his Lordships Command C: B:

Jn^{o} Browning Secretary

p. 203 Ordered that Proclamations issue, publishing the said Dissent, in the Words following

Maryland ss.

By His Excellency Thomas Bladen Esq^{r} Gov^{r} & Commander in Chief in & over the Province of Maryland

A Proclamation

Whereas His Lordship the R^{t} hon̄ble the Lord Proprietary of this Province has signifyed his Dissent to the Act of Assembly Entituled an Act for the Tryal of All Matters of Fact in the several Counties &c made at a Session of Assembly begun and held at the City of Annapolis the twenty first day of September Anno Domini 1742 Therefore that Public Notice may be given of his Lordships Dissent to the said Law I have

thought fit by and with the Advice of his Lordships Council of State to issue this my Proclamation And I do hereby in his Lordships Name command & require the Sheriffs of the several Counties of this Province to make due Publication hereof and of the same Dissent in their respective Counties in the usual manner as they will answer the Contrary at their Peril Given at the City of Annapolis this 27th day of June in the 29th year of his Lordships Dominion Annoq Domini 1743. Lib. C. B.

Ordered by his Excellency the Governor with the Advice of this Board that the present General Assembly which stands prorogued to the second Tuesday in July next be further prorogued to the Second Tuesday in September next being the 13th day of the same Month, and Proclamations issued accordingly

At a Council held in the Council Chamber on Monday 1st day of July in the 29th year of his Lordships Dominion Annoq Domini 1743

Present

His Excellency Thomas Bladen Esqr Governor

The hon̄ble { Benjamin Tasker Esqr, Coł Charles Hammond } { Coł Levin Gale, Philip Thomas Esqr } p. 204

Ordered that the Treasurers of the Western and Eastern Shoars draw an Order or Orders on the Merchants in London, in whose Hands the Duty of 3d ꝑ hhd for Arms is lodged by them, payable to the hon̄ble Levin Gale Esqr or Order, out of the said Duty for the sum of two hundred and fifty pounds Sterling to purchase such Goods in England as shall be thought requisite by him the said Gale, in order to be presented to the Indians at the intended Treaty at Lancaster Town betwixt them and the Commissioners appointed on behalf of this Province

Mr Chase having laid before this Board his Account of Expences and travelling Charges on his Journey to the Six Nations of Indians by Order of the hon̄ble Samuel Ogle Esqr; It is ordered that the hon̄ble Coł Levin Gale lend the said Mr Chase out of the Money advanced him by the Trears for the purchase of the Indian Goods the sum of twenty Pounds Sterling; and that He take his the said Chase's Note for the same.

16th August 1743

Ordered by His Excellency the Governor that the present General Assembly which stands prorogued to the second Tuesday of September next be further prorogued to the first Tuesday in November next being the first day of the same Month and Proclamations issued accordingly

Lib. C. B. At a Council held in the Council Chamber on Thursday 20th day of October in the 29th year of his Lordships Dominion Annoq Dom 1743

Present

His Excellency Thomas Bladen Esqr Governor

The hon̄ble { Benjamin Tasker Esqr, Coł Charles Hammond, Saml Chamberlain Esqr } { Philip Thomas Esqr, Daniel Dulany Esqr }

p. 205 Ordered by his Excellency the Governor with the Advice of this Board that the present General Assembly which stands prorogued to the first Tuesday in November next be further prorogued to the first Tuesday in December next being the sixth day of the same Month and Proclamations issued accordingly

The Governor and Council D

	£. s. d.
1742 Decr 17th To Carting and other helps of the Arms from the Water side	0: 10: 0
To Carting two Loads of Powder & Balls to the Powder house	0: 04: 0
To Cash paid for a double Lock & large Hinges to the Powder house Door	1: 14: 0
To Cash paid John Thompson for making a Door	1: 10: 0
To Cash paid for removing Lead &c.	0: 02: 0
To Cash paid the Widow Cumings for making 22 Ramrods for the Old Guns that went to Manococy	0: 10: 0
Errors Excepted p Richd Tootell	4: 10: 0

The aforegoing Account being read and allowed, Ordered that the hon̄ble Coł James Hollyday Treasurer of the Eastern Shoar pay to Mr Richard Tootell or Order the sum of £2: 5: 0 Sterling in Lieu of £4: 10: 0 Currency in full of the above Account, out of the Duty of 3d p hhd for Arms

Ordered that the Clerk of this Board draw an Order on the hon̄ble Coł James Hollyday Treasurer of the Eastern Shoar payable to Mr Richard Tootell or Order for forty pounds Sterling being his Years Salary as Armourer of this Province ending 5th Septemr last to be paid out of the fund of 3d p hhd for Arms

His Excellency in pursuance of his Lordps Instructions delivers to the Clerk of this Board a Paper inclosing a Commission for a President of his Lordships Council which his Excellency is pleased to seal up, and order to be lodged in the Council Office

Coł Hammond acquaints the Board that the Order for One hundred Pounds Sterling which he has drawn on Mr Hyde payable to the hon̄ble Coł Levin Gale or Order out of the Duty of three pence ꝑ hhd for Arms will, with the other Draughts of his out of the said fund, when paid, exceed the sum remitted by him the said Hammond upon Account of the said Fund Lib. C. B. p. 206

Ordered that the Clerk of this Board write to Mr Hyde to ballance the Account of Coł Hammonds of 3d ꝑ hhd for Arms out of the money lodged in his hands by Coł Young late Treasurer of the Western Shoar upon Account of the said Duty of 3d ꝑ hhd for Arms received by him.

21st November 1743

Ordered by his Excellency the Governor that the present General Assembly which stands prorogued to the first Tuesday in December next, be further prorogued to the second Tuesday in January next being the tenth day of the same Month, and Proclamations issued accordingly.

23d December 1743

Ordered by his Excellency the Governor that the present general Assembly which stands prorogued to the second Tuesday in January next, be further prorogued to the first Tuesday in March next being the sixth day of the same Month, and Proclamations issued accordingly.

At a Council held in the Council Chamber on Wednesday the first day of february in the twenty ninth year of his Lordships Dominion Annoq Domini 1743

Present

His Excellency Thomas Bladen Esqr Governor

The hon̄ble { Benjamin Tasker Esqr, Edmund Jenings Esqr, Coł Charles Hammond } { Philip Thomas Esqr, Daniel Dulany Esqr, Coł Edwd Lloyd }

His Excellency acquaints the Board that the right honourable the Lord Proprietary had appointed Coł Edward Lloyd a Member of his Lordships Council and that he now attends in order to be qualified p. 207

Whereupon the said Coł Lloyd takes the Oaths to the Governmt appointed to be taken by Act of Assembly, and likewise the Oath of a Councillor, and subscribes the Abjuration and Test and takes his Place at the Board accordingly.

Lib. C. B. The following Address being prepared is read & approved of

To the Right honble the Lord Proprietary

The humble Representation of your Lordships Governor & Council of Maryland.

My Lord

The Unhappy Situation which the Country is in, and the manifest Danger of its being reduced to the greatest Distress, oblige Us humbly to represent to Your Lordship the present State of it.

Tobacco is the only Staple Commodity We have & our principal Support and Dependance, and would, under proper Regulations, not only supply us with all Necessaries, but also enable Us to provide handsomely for Our Families; and make this Your Province, as happy and desireable as any Part of the British Dominions on this Continent But this Our Staple has lost its Reputation to such a Degree, that many of the Factors who were sent in and settled here to purchase it, have been ordered by their Constituents to remove to Virginia, to which Place We expect All, or most of the Tobacco Buyers, will soon resort; because that although they give a much greater Price there than they could buy here for, yet they are sure of purchasing better Tobacco there than here: Great Numbers of the Inhabitants have been used to purchase Cloathing & other Necessaries for their Tobacco, of which they will soon be destitute

p. 208 By the Advices from home, the French who usually purchased great Quantities of Our Leaf Tobacco, decline buying any of it, so long as they can be supplyed with Virginia Tobacco; and when there is Scarcity of that, they will not give the same Price for Ours, as they would for Virginia Tobacco. This We find confirmed by the Accounts of Sales, of the last years Export; & We have but too much Reason to apprehend that unless Our Staple is speedily put under some effectual Regulation, the Virginians will get the whole Trade into their hands, wherein they have already made a considerable Progress

If the Difference We have mentioned arose from any difference in the soil or Climate, it would perhaps, be in vain to attempt any Regulation, or to hope that any that could be made, would prove effectual; but that is so far from being the Case, that We have really the Advantage both in Soil and Climate, and the Remedy of all the Difficulties under which We labour, is within Our Reach

Our unhappy Situation arises from this, that Our People are under no kind of Restraint, and the Generality of them are

unwilling to be under any, which may have the least Appear- Lib. C. B.
ance of lessening the Quantity of Tobacco they make; under which general Denomination, all manner of Trash, tho' unfit for anything but manure, is included, and so intermixt with what is really merchantable, as to render the whole of little Value; and in many Instances been so far from clearing the Proprietors any thing near what it cost them, that it has brought them in Debt, and given Maryland Tobacco in general a very bad Character at all the European Markets

The Virginians finding by Experience, as We do, that when People are left at full Liberty to do as they please, they will p. 209
give in to such and so many fraudulent and corrupt Practices, as will debase any Commodity or Manufacture, and ruin the Reputation of the most valuable yea of Every, valuable Branch of Trade, made several Laws to regulate theirs and after a great many Attempts and Experiments, have at last been so fortunate as to make a Law, that has put their Staple upon such a foot as gives them all the Advantages which they have over Us. These Advantages are so evident that even the Common People (who are generally Enemies to all restraining Laws) are thoroughly reconciled to, and fond of this Law, and would consider any Man or Men, who would attempt to deprive them of the Benefits they derive from it, as the greatest & most dangerous Enemies of their Country

Several Attempts have been made in this Province to regulate Our Staple, which were not so well concerted as to answer the Ends for which they were designed, and as the People did not derive any sensible or immediate Advantage from them, so they soon grew Weary not only of them, but opposed any Amendments or Alterations which in a length of time might render them useful, and at last it became a generally received Opinion that an Effectual Regulation was quite impracticable

Sometimes a short Crop occasioned by the Unseasonableness of the Weather, or other Accidents, has occasioned a Rise of Tobacco, which induced too many to think that not only a Providential, but the only Remedy that could be reasonably hoped for or expected; which Notion however wild and extravagant, has contributed a good deal to fix an Aversion in the Generality of the Common People; and indeed in too many of their Representatives, to any Regulation at all: But now, that the Difficulties under which the Country labours are increased, and that every individual Person is sensible of them, and that those who have given themselves the trouble of enquiring into the Success of the Virginia Law, are convinced p. 210
of the Necessity of some such Regulation here, and that without it the Country is in apparent Danger of being absolutely ruined; It is to be hoped that they would act so reasonably,

Lib. C. B. and be so much their own friends as to use all means in their Power to avert the Calamities with which their Country is threatened.

To the making an effectual Regulation to this purpose, there is One great Obstacle of which Every Body is sensible, and that is, the specifick Payments in Tobacco, which by the present Laws the People are obliged to make, to the Clergy, Officers and Lawyers (which it would be difficult, if not impracticable to alter for Want of money) which Obstacle if in some measure removed, would go a great way towards reconciling the People & their Representatives to the necessary means of their own happiness, and such a legal Regulation of Our Staple, as would put it upon an Equality with that of Our Neighbours, would in all human Probability have the desired Effect, and be equally advantageous to your Lordship and your Tenants: The only Expedient We can think of, or believe practicable is, the retrenching the Tobacco Payments, into which We believe that even the Clergy themselves would voluntarily come, notwithstanding the Establishment in their favour; and should the Officers or Practitioners of the Law be less forward to contribute to the publick Good, than Others, it would render them odious to all Mankind, and occasion the Calamities of the Country to be imputed to them, nor would the Odium stop there: As to such of Our selves as are intitled either by the Offices We hold, or Our Profession, to Tobacco fees; We beg leave to assure your Lordship, that we would most readily and chearfully, was it necessary, sacrifice Part of Our Income to the Welfare of Our Country: but in the present Case We believe that We should be Gainers if a proper Regulation was to take Place, as the Value of what We should
p. 211 then receive would (in all Probability) exceed what we can now hope for.

The Advantages, which We are firmly perswaded Your Lordship would certainly derive from such a Regulation as We have been mentioning (besides the Pleasure resulting from a sense of the happiness of your people) are plain and manifest, as it would invite new Comers into the Province in great Numbers and increase the Demand for the back uncultivated Lands, as well as enable the present Inhabitants to enlarge their Possessions & pay their Rents.

We consider the Right your Lordship has in regulating and ascertaining Officers fees, and the Offices themselves as part of your Estate and Inheritance, and therefore would avoid doing anything which might have the least Appearance of incroaching on your Rights, in this or any other particular

It is therefore that We trouble your Lordship with this true state of the Condition and Staple of Our Country, not in the

least doubting your Lordships Concurrence in anything that Lib. C. B.
may contribute to the happiness of Your Tenants

Tho Bladen
Benj[a] Tasker
Edm: Jenings
Cha: Hammond
Philip Thomas
D: Dulany
Edw[d] Lloyd

His Excellency is pleased to lay before the Board the following Instruction from his Majesty

Trusty and welbeloved We greet you well

George R.

Whereas the Sieur Hop Envoy Extraordinary from Our good Friends and Allies the States General of the United p. 212
Provinces, has made strong and repeated Complaints to Us, that since the Commencement of the present War with Spain, the Captains and Officers of Our Ships of War, and Others acting under Our Commission have without any Regard to the Terms of the Treaty Marine between Our Royal Predecessor King Charles the second, and their high Mightinesses the States General of the United Netherlands concluded at London the first Day of December 1674 S: V: confirmed by subsequent Treaties, frequently made Prize of Dutch Ships and their Cargoes, as well in Europe, as America, upon Pretence of their having on board Spanish Effects, tho' not contraband; And It being Our Royal Intention that all Engagements which subsist between Us, and Our said good Friends and Allies the States General should be most carefully and religiously observed; It is therefore Our Will and Pleasure & We do hereby authorize and impower you to enjoyn all Captains of Ships to whom you shall grant Letters of Marque or Commissions for private Men of War against the King of Spain and his Subjects, to observe carefully and religiously the said Treaty Marine, and give Security pursuant to the tenth Article for their due performance thereof And so We bid you heartily farewell Given at Our Court at S[t] James's the 13[th] day of April 1743 in the 16[th] Year of Our Reign

By His Majestys Command
Holles Newcastle

To Our trusty & welbeloved
Thomas Bladen Esq[r] Dep[ty] Gover[r]
of Our Province of Maryland in America & in
his Absence to the Com[r] in Chief of Our said Province
for the time being.

Lib. C. B. Ordered that the Clerk of this Board make a Copy of the said Instruction and lodge it with the Judge of the Admiralty for his further Directions

His Excellency is pleased to lay before the Board the following Letter

Whitehall 15 August 1743

Sir

p. 213 The Lords Justices having taken into Consideration the present uncertain State of publick Affairs, and the Danger that his Maj^{tys} Dominions in America may be exposed to, from any sudden Attempts that might be made upon them, in Case a Rupture with France should ensue, in Consequence of the Steps which his Majesty has already taken, in support of the Queen of Hungary and the Common Cause, and the vigorous Measures, which the King is pursuing in all Parts for the same End, unless timely Care be taken to put the same into a proper Posture of Defence, Their Excellencies have commanded me to signify to you their Directions, that you should employ the most effectual Means for putting the Colony under your Command into the best Posture of Defence that shall be possible, and that you should be constantly upon your Guard against any Surprize from any Quarter whatsoever

I am S^{r}

Y^{r} most humble Servant

Dep^{ty} Gov^{r} of Maryland A Stone

Ordered that the Clerk of this Board write to the several Colonels acquainting them of the said Letter, and desiring them diligently to train and exercise their Militia, that if need be they may be in a Condition to defend this Part of his Majestys Dominions

10th february 1743

Ordered by his Excellency the Governor that the present General Assembly which stands prorogued to the first Tuesday in March next be further prorogued to the first Tuesday in May next being the sixth day of the same Month, and Proclamations issued accordingly.

2^{d} March 1743

Ordered by his Excellency the Governor that the following Proclamation issue

Maryland ss. Lib. C. B.

By his Excellency Thomas Bladen Esq^{r} Governor & Commander in Chief in & over the Province of Maryland

A Proclamation p. 214

Whereas their Excellencies the Lords Justices by their Order to me bearing date at Whitehall the 15th of August last have required that I should employ the most effectual means for putting this Province in the best Posture of Defence that shall be possible and that I should be constantly on my Guard against any surprize from any Quarter whatsoever And whereas their Excellencies by their further Order dated at Whitehall the third of September last past have signifyed their further Directions that I should put the forces belonging to this Province into such a Condition, as not only to be able to repel the French Forces, if they should attack it, but also to be in a Condition to attack them if it should become necessary: In Obedience to the said Orders I have thought fit with the Advice of his Lordships Council of State to issue this my Proclamation strictly commanding all his Lordships military Officers within this Province carefully & diligently to train discipline and exercise the Militia thereof and to see that their Arms are constantly kept in good Order and fit for Service upon all Occasions and to proceed with the utmost Rigour of Law against all Persons who shall refuse or neglect to appear at the Places which shall be respectively appointed for training and exercising the Militia Given at the City of Annapolis this 2^{d} Day of March in the twenty ninth year of his Lordps Dominion Annoq Domini 1743

At a Council held in the Council Chamber on Wednesday the Eleventh day of April in the twenty ninth year of his Lordships Dominion Annoq Domini 1744

Present

His Excellency Thomas Bladen Esq^{r} Governor p. 215

The hon̄ble { Benjamin Tasker Esq^{r}, Col^{l} George Plater, Col^{l} Charles Hammond } { Philip Thomas Esq^{r}, Daniel Dulany Esq^{r} }

Ordered that the Clerk of this Board write the following Letter to M^{r} John Galloway at Philadelphia

Sir

Col^{l} Gale upon his going to England having undertaken to buy several Goods intended as Presents for the Indians at the

Lib. C. B. approaching Treaty which Goods by the Accident of the Colonels Death were never bought and as they cannot be had here, this Government is obliged to desire some Person at Philadelphia to buy what is necessary

I am therefore directed by the Governor and Council to desire you will be so kind as to purchase Goods proper for the Indians to the amount of £150 Sterling upon the best Terms, which they will take as a favour

The last Summer Coł Gale being at Philadelphia bought the several Goods mentioned in the within List amounting to £83: 11: 9 Sterling for which Goods you have herewith an Order from M^r^ Johnson, which being added to what you are desired to buy, it is apprehended will be sufficient, but in Case those Goods bought last summer should be disposed of, which M^r^ Johnson is uncertain about, you are then desired to purchase as many more Goods as will amount to the above sum of 83: 11: 9 Enclosed are two Setts of Bills of Exchange One for £150, and the Other for £ , which last you will please to return if not made Use of

p. 216 As the Meeting with the Indians is conceived to be at New town Lancaster County you are desired to send all the Goods in a Waggon to be lodged in some safe Place there in Readiness; if Weizer should happen to be at Philadelphia, he will inform you both as to the time and Place

The Enclosed Letter to M^r^ Allen is only to be given him in Case of your Absence, or that you are not at Leizure to take this Trouble upon you; in which circumstances We must be obliged to desire that Gentlemans Assistance: No body can inform you better than himself what Goods will be proper and suitable for the Indians

I am Sir &c.

Ordered that M^r^ Richard Tootell get a Plank Floor laid in the Powder house, and that the Workman doing the same be paid by an Order on Coł Hollyday out of the Duty of 3^d^ p hh^d^ for Arms &c.

At a Council held in the Council Chamber on Wednesday the 23^d^ day of May in the thirtieth year of his Lordships Dominion Annoq Dni 1744

Present

His Excellency Thomas Bladen Esq^r^ Governor

The honble { Benjamin Tasker Esq^r^, Coł George Plater, Edmund Jenings Esq^r^, Coł James Hollyday, Coł Charles Hammond } { Samuel Chamberlain Esq, Philip Thomas Esq^r^, Daniel Dulany Esq^r^, Coł Edward Lloyd }

Ordered that the several Officers of the Militia of S^{t} Marys County take particular Care that No Roman Catholick be for the future enrolled or mustered among the Militia of the said County and that if any of the Publick Arms be in the Possession of any Roman Catholick, the Colonel of the said County is hereby desired to oblige the Person in whose Custody such Arms are, to deliver the same to him Lib. C. B p. 217

At a Council held in the Council Chamber on Tuesday the 5th day of June in the thirtieth year of his Lordships Dominion Annoq Domini 1744

Present

His Excellency Thomas Bladen Esq^{r} Governor

The hon̄ble { Benjamin Tasker Esq^{r} / Edmund Jenings Esq^{r} / Col^{o}ł James Hollyday } Col Charles Hammond / Philip Thomas Esq^{r} / Daniel Dulany Esq^{r}

The following Addresses being prepared are read and approved of

To the Kings most excellent Majesty

The Humble Address of the Governor and Council of Your Majestys Province of Maryland

May it please Your Majesty

Their Excellencies The Lords Justices having by their several Orders of the 15th of August and 3^{d} of Septem^{r} last past directed the Lieutenant Governor of this Province "To employ "the most effectual Means for putting this Province into the "best Posture of Defence, and into such Condition as to be "able not only to repell the French forces if they should attack "this Province, but likewise, if it should be necessary to attack "them" We your Majestys most dutiful and Loyal Subjects the Lieutenant Governor and Council of the said Province most humbly beg Leave to approach your Majesty with this Representation of the Difficulties and Obstacles We have met with in Our Endeavours to comply with these Orders from Those, who being the Representatives of the People in Assembly, Either from a Mistake of their Duty to your Majesty and the true Interest of their Country, or from private and popular Views, inconsistent with both have for some years past made Opposition and Clamours against This Government and the Administration thereof their Principle Rule and Direction in all their Consultations and Debates p. 218

These Gentlemen, May it please Your Majesty, actuated by such principles, and well knowing how necessary the De-

Lib. C. B. pendency of Government on the People might be to their unwarrantable Designs & Proceedings, began so long ago, as in the year 1738, with their Attempts, to deprive this Government of the Support settled by a Law made forty years ago for that purpose by Questioning the Validity of it, and also to render all the Officers of Justice subservient to their Will & Pleasure by denying the Right and Authority of ascertaining the Officers fees—legally vested in the Proprietary of this Province by the Royal Charter granted by King Charles the first: These and several Other less material Points were laid as the Ground Work of the Uneasiness intended to be raised for disturbing the Peace and Safety of this Part of Your Majestys Dominions, and in order to furnish themselves with Money for their unreasonable purposes, they framed a Bill for raising a considerable Sum to be at their own Disposition under Pretence of enabling them to lay before your Majesty their several intended Aggrievances, but which Bill was introductive of such mischievous Consequences to this Government in particular and Every other in general in point of Precedent, that the Upper House of Assembly was obliged to reject the same for the many unanswerable Reasons then given: This Attempt failing, the next step they took, was, by vilifying the Government and inflaming the People to procure Subscriptions for several Sums of Money in Order as was pretended to carry their Complaints before your Majesty

However pernicious This Method of Proceeding might be
p. 219 to the Order and good Rule of Government and Society in General, yet This Government was so thoroughly convinced of the Unreasonableness of their Clamours, and at the same time so desirous of being directed by your Majestys Wisdom and Justice, that although their Designs could not be countenanced by a Legislative Concurrence, yet no Interruption was given by the Government in their Collections of Money by Virtue of such Subscriptions, since It was hoped, they had nothing else in View but to prepare and forward as soon as might be their affected Complaints for your Maj^{tys} Determination; And had this been their only Aim, This Province might have been quiet and happy before this Time in a dutiful Acquiescence and Submission to the Royal Commands

But It is with the Utmost Reluctance and Concern, that We now declare Our Apprehensions that their Councils have some other Tendency than the Quiet and Security of this Your Majestys Dominions. And We most humbly presume Ourselves well warranted in these Suspicions by their continual Behaviour ever since the year 1738, by their Assuming to themselves a Power of ascertaining the fees of the Officers of the Courts of Justice by their own Authority, and by the little

Regard they have shewed in Obedience to the aforementioned Orders of the Lords Justices Lib. C. B.

It is well known, This Province is inhabited by a very great Number of Roman Catholicks, and some of them of considerable Fortunes; It is not less notorious that in the year 1742 There was a dangerous Conspiracy amongst some of the Indians residing in this Province, carried on in Conjunction with a particular Nation of the Northern Indians; yet notwithstanding these Circumstances peculiar to this Province, together with the Spanish War, and the then Uncertain Situation of Affairs with Regard to France, of General Concernment to all your Majestys Dominions, The Lower house of Assembly grasping at Power in Every Instance, ever since the year 1738 under various Pretences refused to raise that fund which has been from time to time continued for above twenty years for supplying this Province with Arms and Ammunition in such manner as hath been always before practiced, and in p. 220 the Management whereof, no just Objection could be made to the Governor and Council, with whom the Disposition was always intrusted for the Uses to which It was appropriated by the Act: But when the present Lower house was this Session pressed by an Argument of the Alarming Attempt of an Invasion of Great Britain, and the then imminent Danger of a War with France, as well as by the Order and Directions of their Excellencies The Lords Justices, they passed a Bill for Provision of Arms and Ammunition for Defence of the Province almost of the same Import with Two Bills in the two preceeding Sessions, and which They knew had been before rejected, since they could not be passed, without a most severe Reflection on the Lord Proprietary and Government as well as that the Frame of the Bill was so defective that the Design of raising the money might be frustrated

In this manner did They shew their Dispositions to obey those Orders to provide for their own safety and put this Province in a Condition of Defence and Attack, when the News arrived of the Declaration of War, between your Majesty and the French King; These Accounts we hoped, would have animated them with such a Sense of their own Danger and Duty to Your Majesty as to have made the most ample Provision, so as your Majestys Expectations & Commands signifyed by the Lords Justices might be effectually answered and obeyed; But, to Our surprize, such was their Perseverance in their former Resolutions, that they not only slighted repeated Importunities to put Our Militia on a better foot, and not to leave Us without means of providing for the security of this Province; but even endeavoured by the Stint of a Certain Sum of Money in no manner likely to answer the purposes,

Lib. C. B. and other Discouragements, to render abortive the Advances
p. 221 made towards a Treaty of Peace and Amity between Your Majesty's Subjects of this Province, Virginia and Pensilvania, and the Six Nations of Indians, upon whose Friendship and Assistance, the Safety and Preservation of All your Majestys Dominions in North America principally depend against the Power and Attempts of the French Settlements on this Continent

Such Conduct of the Lower house of Assembly May it please Your Majesty, and their Refusal this Session to defray the necessary Charges and Expences of detecting and preventing the ill Consequences from the aforementioned Indian Conspiracy oblige us to make this humble Address to the Throne, in full Assurance, that as the Duty of Our several Stations exacts from Us the utmost Watchfulness and Care for the Preservation of this Part of Your Majestys Dominions, We shall receive such Commands from your Majesty, as to your Majestys great Wisdom and tender Care for all even the remotest of your Majestys Subjects, may seem necessary in this time of imminent Danger, when Our Borders are defenceless, the Service of Our Militia not sufficiently secured by the Laws now in force, and no Money in the Disposition of the Government for the Provision of Arms and Ammunition

We are
Your Majestys most dutiful and
Obedient Subjects & Servants
Tho: Bladen
Benj[a] Tasker Presid

To his Royal Highness the Prince of Wales

The humble Address of the Governor & Council of his Majestys Province of Maryland

May it Please Your Royal Highness

We the Governor and Council of the Province of Maryland beg Leave to congratulate your Royal Highness on the Birth of the young Prince: Every Increase of your Royal Progeny can't fail of filling the Hearts of All his Majestys Loyal Sub-
p. 222 jects with the Greatest Joy and Pleasure, as It must not only give them the most ample Security that the Blessings which they enjoy under his Majestys mild and auspicious Government will be effectually secured to them and transmitted to their latest Posterity

May your Royal Highness's Descendants inherit Your Royal Virtues, and always be as much distinguished by their Heroick Qualities as by their high Birth, And May the British

Nation ever enjoy the Felicity of being happily governed by Princes of the Illustrious house of Hannover Lib. C. B.

We are Your Royal Highness's
most devoted & most Obedient Servants
Tho Bladen
Benj[a] Tasker Presid

At a Council held at the house of his Excellency the Governor in the City of Annapolis on Wednesday the 13[th] of June in the 30[th] year of his Lordships Dominion Annoq Domini 1744

Present

His Excellency Thomas Bladen Esq[r] Governor

The honourable { Benjamin Tasker Esq[r], Edmund Jenings Esq[r], Coł Charles Hammond } { Philip Thomas Esq[r], Daniel Dulany Esq[r] }

Ordered that toward defraying the Expences of the Gentlemen appointed by his Excellency as Commissioners to go up to Lancaster Town in the Province of Pensilvania, and to treat with the Indians, and in making such Presents to the Indians as shall be by them the said Commissioners thought necessary, the Clerk of this Board draw for the Sum of three hundred Pounds sterł in six setts of Bills of Exchange of fifty Pounds Each payable in blank, and that M[r] Hyde be desired p. 223 to charge the same to the Ballance of 3[d] p hh[d] for Arms lodged in his hands by Robert Ungle Esq[r] late Treasurer of the Eastern Shoar; the form of which Bills is as follows; and the s[d] Bills were delivered to Edmund Jenings Esq[r]

At forty days sight of this first Bill of Exchange, second third and fourth of the same Tenor and Date unpaid pay to or his Order the sum of fifty Pounds Sterling and place the same to the Acco[t] of the Monies lodged in your hands on the Fund of 3[d] for Arms by the late Robert Ungle Esq[r] Treasurer of the Eastern Shoar of the Province of Maryland, agreeable to your Account Current of the said Fund sent to Sam[l] Chamberlain Esq[r]

J. Ross Cł Concł.

and the following Lre was delivered with the said Bills

Sir

We have directed M[r] Ross Clerk of the Council to draw on you several Setts of Bills of Exchange to be paid out of the

Lib. C. B. Monies in your hands on the Ballance of the Account of 3^{d} for Arms with the late M^{r} Robert Ungle Treasurer of the Eastern Shoar of the Province of Maryland agreeable to the Account Current of the said fund sent to Sam^{l} Chamberlain Esq^{r} And As he has accordingly drawn Six Setts of Bills for fifty pounds Each We desire you will pay the same & Charge the s^{d} Account therewith

Cha Hammond	Tho^{s} Bladen
Philip Thomas	Benj^{n} Tasker
Dan. Dulany	Edm^{d} Jenings

Ordered that the Clerk of this Board write to the Exec^{rs} of the hon̄ble Col Levin Gale acquainting them, that their Testator had received Orders from the Treasurers of this Province for the sum of Two hundred and fifty Pounds Sterling to be laid out by him the s^{d} Gale in the Purchase of such Goods in England as he should think proper to be presented to the Indians at the ensuing Treaty at Lancaster Town And as the said Goods are not sent in, that they as Executors af^{d} do pay to the hon̄ble Col Charles Hammond
p. 224 as Treasurer of the Western Shoar the said Sum of 250 £ in good Bills of Exchange, that the same may be replaced to the said fund of 3^{d} ꝑ hh^{d} for Arms, out of which the Orders to the hon̄ble Levin Gale were made payable & that the said Col Hammond charge a Commission of 2½ ꝑ Cent on receiving the said Two hundred & fifty pounds

His Excellency lays before this Board the following Letter rec'd by him from his Grace the Duke of Newcastle One of his Majestys Principal Secretaries of State, as also the following Declaration of War of his Majesty against the French King, and his Majestys Proclamation for the distribution of Prizes taken by his Majestys Ships of War, or Privateers

Whitehall March 31st 1744

Sir

The French King having declared War against his Majesty (as you will see by the inclosed Copy of his Declaration for that Purpose (which is full of the grossest and most indecent Misrepresentations and Representations upon his Majestys Conduct) I am to acquaint you by his Majestys Command, that on Thursday last the 29th Instant a Great Council was held at Saint James's where his Majesty approved and has since signed a Declaration of War against the French King, and ordered that the same should be Published on this day, by the Heralds at Arms, in the usual Places and with the accustomed Formalities on the like Occasions which has been

done accordingly, I send you inclosed a Printed Copy of the said Declaration, and am commanded to signify to you, His Majestys Pleasure, that you cause it to be proclaimed in the Province under Your Government, that his Majestys Subjects having this Notice, may take Care to prevent any Mischief which otherwise they might suffer from the Enemy; and do their Duty in their several Stations, to distress and annoy the Subjects of the French King, And his Majesty would have You be very rigorous and severe in preventing any Ammunition or Stores of any kind from being carried to them and you are to use all proper Methods that may be most effectual for that Purpose Lib. C. B.

I send you inclosed his Majestys Proclamation, for the distribution of Prizes, taken by his Majestys Ships of War, or Privateers, which you will take Care may be published in the Province under Your Government. And you will do every thing in Your Power, to encourage his Majestys Subjects to fit out Ships, to Act as Privateers against the Enemy, And you will upon the Receipt of this Letter, take all Opportunities as far as depends upon you to distress and annoy the French, in their Settlements Trade and Commerce

I am Sir

Your most Obedient humble Servant

Governor of Maryland. Holles Newcastle

His Majestys Declaration of War against the French King p. 225

George R

The Troubles which broke out in Germany, on Account of the Succession of the late Emperor Charles the Sixth, having been begun and Carried on by the Instigation Assistance and Support of the French King, with a view to overturn the Ballance of Power in Europe, and to extend the dangerous Influence of that Crown, in direct Violation of the solemn Guaranty of the Pragmatic Sanction given by him in the Year One thousand seven hundred and thirty eight in Consideration of the Cession of Lorraine, And We having on our part executed Our Engagements for maintaining the Pragmatic Sanction with that good Faith which is inseperable from us; and having opposed the Attempts made against the Dominions of the Queen of Hungary; We are not Surprized that Our Conduct in this Respect should have drawn upon Us the Resentment of the French King who has found his Ambitious Views in a great Measure disappointed by the Assistance We have furnished to Our Ally unjustly attacked by him; or that he should alledge it as a Principal Reason for declaring War against Us.

Lib. C. B. From the time that We found Ourselves Obliged, for the Maintainance of the just Rights of Our Subjects, to enter into a War with Spain instead of observing a strict Neutrality which we might have promised Ourselves on the part of the French King, from whom We were founded even by Treaty to have demanded Assistance, he has given Encouragement and Support to Our Enemies, by conniving at his Subjects acting as Privateers under Spanish Commissions both in Europe and America, and by sending in the Year 1740, a strong Squadron into the American Seas, in Order to prevent Us, from prosecuting the just War which We were carrying on against Spain in those parts, And We have the most Authentic Proofs, that an Order was given to the Commander of the French Squadron, not only to Act in a hostile Manner against Our Ships either jointly with the Spaniards, or Seperately; but even to concert Measures with Our Enemies for attacking one of Our principal Dominions in the West Indies, this Injurious Proceeding was greatly aggravated by the French Minister at Our Court having declared on Occasion of Sending the said Squadron that the French King was very far from having any Design or Intention to break with us

The same Offensive Conduct was continued on the Part of the French King towards us by his Squadron in the Mediterranean in the Year 1741 Joining with and protecting the Ships of Our Enemies in sight of Our Fleet which was preparing to attack them

p. 226 These unwarrantable Proceedings the notorious Breach of Treaties, by repairing the Fortifications and erecting new Works at Dunkirk the open Hostilities lately committed against Our Fleet in the Mediteranean; the Affront and Indignity offered to us, by the Reception of the Son of the Pretender to Our Crown, in the French Dominions; The Embarkation actually made at Dunkirk of a considerable Body of Troops notoriously designed for an Invasion of this Kingdom in Favour of the Pretender to Our Crown; and the sending a Squadron of French Ships of War into the Channell to Support the said Embarkation and Invasion, will be lasting Monuments of the little Regard had by the French Court, for the most solemn Engagements when the Observance of them is inconsistent with Interest Ambition or Resentment.

We cannot omit taking Notice of the unjust Insinuations contained in the French Kings Declaration of War against Us, with respect to the Convention made at Hannover in October 1741. That Convention regarding Our Electorate only, had no relation to Our Conduct as King of Great Britain The Allegations contained in it are groundless and

injurious, Our Proceedings in that respect having been perfectly consistent with that good Faith which We have always made the Rule of Our Actions. Lib. C. B.

It is unnecessary to mention the Objections made to the Behaviour of Our Ministers in Foreign Courts since it is notorious that the principal View and Object of the Negotiations of the French Ministers in the several Courts of Europe, have been either to stir up intestine Commotions in the Countries where they resided, or to create differences and Misunderstandings between them and their respective Allies

The Charge of Piracy Cruelty and Barbarity against Our Ships of War, is equally unjust and unbecoming; and We have all such Proceedings in so much Abhorrence, that if any Practices of that Nature had been made appear to Us, We should have taken effectual Care to put a Stop to them and to have punished the Offenders in the severest manner

We being therefore indispensably obliged to take up Arms and entirely relying on the help of Almighty God who knows the Uprightness of Our Intentions, have thought fit to declare and do hereby declare War against the French King, and we will in pursuance of such Declaration vigorously prosecute the same by Sea and Land, being assured of the ready Concurrence and Assistance of all Our Loving Subjects in so just a Cause And We do hereby will and require, Our Generals and Commanders of Our Forces, Our Commissioners for executing the Office of High Admiral of Great Britain, Our Lieutenants of Our several Counties Governors of Our Forts p. 227
and Garrisons and all other Officers under them by Sea and Land to do and execute all Acts of Hostility, in the Prosecution of this War against the said French King his Vassals and Subjects, and to oppose their Attempts willing and requiring all Our Subjects to take Notice of the same, whom we henceforth strictly forbid to hold any Correspondence or Communication with the Subjects of the French King and We do hereby command Our own Subjects and advertise all other Persons of what Nation soever not to Transport or carry any Soldiers Arms Powder Ammunition or other Contraband Goods to any of the Territories Lands Plantations or Countries of the said French King; declaring that whatsoever Ship or Vessel shall be met withall, transporting or carrying any Soldiers Arms Powder Ammunition or other Contraband Goods to any of the Territories Lands Plantations or Countries of the said French King the same being taken, shall be Condemned as good and Lawful Prize And Whereas there are remaining in Our Kingdoms divers of the Subjects of the French King, We do hereby declare Our Royal Intention to be that all the French Subjects who shall demean themselves

Lib. C. B. dutifully towards Us, shall be safe in their Persons & Estates.

Given at Our Court at Saint James's the twenty ninth day of March 1744 in the seventeenth year of Our Reign

God Save the King

His Majestys most Gracious Declaration For the Encouragement of his Ships of War and Privateers.

George R.

Whereas We are engaged in a just and necessary War against France and are resolved to prosecute the same with the utmost Vigour in which next to the Blessing of Almighty God, We rely upon the experienced Fidelity Zeal and Courage of Our Subjects; And being most Graciously inclined to give all Encouragement to our faithful Subjects serving on Board Our Ships of War or Privateers, We have thought fit by the Advice of Our Privy Council to publish and declare And do by this Our Royal Declaration grant, that the Flag Officers, Commanders and Officers, Seamen, Marines and Soldiers on Board every Ship or Vessel of War in our pay and on Board Privateers shall have the sole Interest and
p 228 Property of and in all and every Ship Vessel Goods and Merchandizes and Effects which they shall take during the Continuance of this War against France, being first adjudged lawful Prize, in any of Our Courts of Admirality of Great Britain or Ireland, or any of our Plantations in America, or other the Dominions of Great Britain, but Subject to the Payment of all such or the like Customs and Duties as the same are now, or would have been liable to, if the same were or might have been Imported as Merchandizes to be divided and distributed in such Proportion and after such manner, and on such Terms and Conditions as are herein after expressed concerning the same; that is to say, that the neat Produce of all such Prizes be divided into Eight equal Parts and be distributed as followeth viz. To the Captain or Captains of any of Our Ships of War, who shall be actually on Board at the taking of any Prize three Eighth Parts; but in Case any Prize shall be taken by any Ship or Ships of War under the Command of a Flag or Flags, the Flag Officer or Officers being actually on Board, and directing or assisting in the Captures, shall have one of the said three Eighth parts; To the Captains of Marines and Land Forces, Sea Lieutenants and Master on Board any such Ships, one Eighth part to be equally divided among them, To the Lieutenants and Quarter Masters of Marines and Lieutenants Ensigns and Quarter Masters of Land Forces, Boatswain Gunner, Purser, Carpenter, Masters

Mate, Surgeons and Chaplain on Board any such Ship, one Lib. C. B.
Eighth part to be equally divided among them, To the Mid-
shipmen Carpenters Mates, Boatswains Mates, Gunners
Mates, Master at Arms Corporals, Yeomen of the Sheets
Coxswain, Quarter Masters Quarter Masters Mates, Surgeons
Mates Yeomen of the Powder Room, and Serjeants of
Marines or Land Forces on Board any such Ships, one Eighth
part to be equally divided among them; To the Trumpeters
Quarter Gunners, Carpenters Crew, Steward Cook Armourer
Stewards Mate, Cooks Mate, Gunsmith, Cooper, Swabber,
Ordinary Trumpeter Barber able Seamen Ordinary Seamen
and Marine or other Soldiers two Eighth parts to be equally
divided among them: And in Case any Sea Captain, inferior
Commission or other Warrant Sea Officers, belonging to
any Ship of War, for whom any Shares of Prizes are hereby
allowed, be absent and not on Board at the time of any Cap-
ture of any Prize; the Share of such Sea Captain, inferior
Commission or Warrant Sea Officers, shall be Cast into the
Shares hereby allowed to the Trumpeter Quarter Gunners,
Carpenters Crew, Steward Cook, Armourer, Stewards Mate p. 229
Gunsmith, Cooper Swabber, Ordinary Trumpeter, Barber,
Able Seamen, ordinary Seamen, and Marines or other Sol-
diers to be equally divided among them Provided that if any
Officer or Officers on Board any of our Ships of War at the
time of taking any such Prizes shall have more Commissions
or Offices than one he or they shall be entituled only to the
Share or Shares of such Prizes, which according to the above-
mentioned distribution shall belong to his or their respective
superior Commissions or Offices. And We do hereby strictly
enjoyn all and every Commander & Commanders of any Ships of
War taking any Prize as soon as may be to transmit or cause to
be transmitted to the Commissioners of our Navy a true List
of the Names of all the Officers, Seamen Marines Soldiers or
others who were actually on Board our Ships of War under
his or their Command at the taking such Prize, which List
shall contain the Quality of the Service of Each Person on
Board, and be subscribed by the Captain or Commanding
Officer, and three more of the Chief Officers on Board, And
We do hereby require and direct the Commissioners of our
Navy or any three or more of them after Condemnation of
such Prize to examine or cause to be examined such List by
the Muster Book of such Ships of War and Lists annexed
thereto, to see that such List doth agree with the said Muster
Book, and annexed Lists as to the Names Qualities or Rat-
ings of the Officers Seamen Marines Soldiers and others be-
longing to Such Ship of War, and upon Request forthwith to
Grant a Certificate of the Truth of any List transmitted to

Lib. C B. them to the Agent nominated and appointed by the Captors to take Care or dispose of such Prize and also upon Application to them to give or Cause to be given unto the Agents who shall at any time or times be appointed as aforesaid by the Captors of any Prizes taken by any of Our Ships of War, all such Lists from the Muster Book of any such Ships of War, and annexed Lists as the Agents shall find requisite for their direction in the paying the Produce of such Prizes, and to be otherwise aiding and assisting to the said Agents as shall be necessary And Whereas We have impowered the Lords Commissioners of the Admiralty to grant Letters of Marque or Commissions for Privateers to such Persons as they shall think fitly qualified in that behalf according to the Treaties between us and our Allies, We do for Encouragement of such Privateers further declare, that all Privateers taken by any Privateer, brought unto Port according to our Instructions in that behalf shall unless otherwise decreed by the Court of Admiralty, be continued in the Possession of the Privateer having only custom house Officers on Board as is usual in Merchant Ships to secure the Duties, and such Ships
p. 230 Vessels and Goods, being condemned as Lawful Prize and duly inventoried and appraised by such Persons as shall be lawfully Authorized in that behalf the same shall be delivered to or remain with the Captor thereof, or such Persons as are intrusted therein to be disposed of by him or them as he or they shall think fit, they first Satisfying paying or securing to us such Customs and duties as aforesaid, And in regard Privateers are set forth and manned at the Charges of the particular Owners thereof who make Agreements with their Seamen what Shares and Proportions each Man on Board such Privateer shall have of any Prize which shall be taken, and it will not be reasonable that any Seaman or Person on Board such Privateers should be entitled to any thing, otherwise than according to the particular Agreement he shall have signed to such Owner or Owners, We do hereby ratify and confirm all and every such Contracts and Agreements which shall be entered into upon the putting forth any such Privateer, And we do hereby declare that every Article and Thing, which shall be contained in such Contract Stipulations and Agreements relating to the distribution of such Prizes among themselves, shall be as firm valid and effectual as if they had been set forth in this declaration; And We do hereby further declare and direct that public Notification shall be given, by the Persons or Agents so appointed for Prizes taken by any of Our Ships of War, of the day appointed for the Payment of the several Shares to the Captors after which public Notification if any Mens shares shall remain in the

hands of the Persons or Agents appointed as aforesaid and Lib. C. B.
shall not be legally demanded within three Years, then such Share or Shares so remaining in such Persons or Agents hands shall go and be paid to the Use of Greenwich Hospital, and to the end that all Persons who are or shall be entituled to any such Share or Shares may have due Notice of the time of Payment thereof, so as to make their Claims thereunto in due time, We do hereby require that the Persons or Agents, which shall be appointed to make such Sales shall give Notice of the day and Place which shall be by them appointed for the Payment of the several Shares to the Captors in the London Gazette three several Successive times, And to the end the Governors of Greenwich Hospital may know who are the Persons or Agents employed to receive and pay the several Shares of such Persons as were on Board the Ship and Ships at the time of taking any Prize so as to demand the Shares of such Captors, who shall not legally make their demand within three Years, We do hereby direct that a true List of the Names of such Persons as shall be so appointed Agents for the Purposes aforesaid shall be forthwith Certified to the Governor or Deputy Governor for the time being of the said Hospital by our high Court of Admiralty which is hereby re- p. 231
quired to take an Account of the Names of such Persons as are or shall be so appointed Agents

Given at Our Court at Saint James's the 29th day of March 1744 in the seventeenth Year of Our Reign

God save the King

The following Proclamation being read is approved of, & ordered to issue with his Majestys Declaration of War annexed, and sent to the several Counties of this Province

Maryland ss.

By His Excellency Thomas Bladen Esqr Governor & Commander in Chief in and over the Province of Maryland

A Proclamation

Whereas I have received his Majestys Declaration of War against the French King given at the Court of St James's the 19th day of March 1744 in the seventeenth Year of his Majestys Reign, A Copy whereof is hereunto annexed as also a Letter from his Grace the Duke of Newcastle One of his Majestys Principal Secretarys of State Signifying that It is his Majestys Pleasure I should cause the said Declaration to be proclaimed in the most publick Places under my Govern-

Lib. C. B. ment I have therefore thought fit with the Advice of his Ldps Council of State to publish this my Proclamation, notifying the said Declaration to all his Majestys Subjects, and strictly charging & requiring the several Sheriffs of the respective Counties of this Province at the most publick Places in their said Counties as soon as conveniently may be with all Solemnity possible to proclaim and publish the same And I do hereby further will and require the several Sheriffs of this Province to give Notice to the Magistrates of their respective Counties, as soon as possible to meet and appoint a Day for publishing his Majestys said Declaration and this my Proclamation, and I do hereby Command the several Sheriffs and all Others his Lordships Officers both Civil & Military as also the Militia in the respective Counties to attend in the hand-
p. 232 somest Manner at the time so appointed for performing the same Given at the City of Annapolis this 13th day of June in the 30th Year of his Lordships Dominion Annoq Domini 1744

{ Great Seal }

Ordered that fifty Copies of His Majestys Declaration of War be printed and sent to the several Counties of this Province with the aforegoing Proclamation, which were done accordingly

30th June 1744

Ordered by his Excellency the Governor that the following Proclamation issue

Maryland ss.

By His Excellency Thomas Bladen Esqr Governor & Commander in Chief in & over the Province of Maryland

A Proclamation

Whereas Our most Gracious Sovereign has been pleased to declare War against France, and to forbid all his Majestys Subjects to hold any Correspondence or Communication or to trade with the subjects of the French King; And whereas the supplying the French with Arms Ammunition Provisions or Other Goods or Merchandize may be of most dangerous Consequence to his Majestys Subjects I have therefore thought fit with the Advice of his Lordships Council of State to issue this my Proclamation strictly forbidding all his Majestys Subjects within this Province to ship off transport carry or send to any of the Territories Lands Plantations or Countries belonging to the French King any Provisions Warlike

Stores Goods or Merchandizes whatsoever, or to sell or dis- Lib. C. B.
pose of to any Person or Persons whatsoever for the Use of the Subjects of the said French King any of the aforementioned Goods as they will answer the Contrary at their Peril Given at Annapolis this 30th Day of June in the thirtieth Year of his Lordships Dominion Annoq Domini 1744

{ Great Seal }

Additional Orders and Instructions to Our trusty and p. 233
Wel-beloved Thomas Bladen Esqr Our Lieutenant Governor of Our Province of Maryland

C Baltimore

You are not for the future to assent to the Division of any County without a Clause being inserted that no such Law shall take Place until my Pleasure be known

You are to cause this Our Instruction to be regularly entered in Our Council Books

Given under Our hand and Seal at Arms at London this second day of December in the twenty ninth Year of Our Dominion over the said Province Annoq Domini 1743

By his Lordships Command C: B:
Jn° Browning Secretary

Additional Orders and Instructions to Our trusty and wel-beloved Thomas Bladen Esqr Our Lieutenant Governor of Our Province of Maryland

C Baltimore

Whereas diverse Complaints have been made to me of the many hardships and Delays, that my Good Tenants have been subject to by Reason of the ill Practices of the County Clerks and Under Officers appointed by the Commissary to the several Counties For Remedy whereof I do direct and require you, that No such Officer be for the future appointed without Your Privity or Consent, or the Governor for the Time being and to be removed at pleasure, and of this Our Instruction you are to acquaint Our Secretary and Commissary, and to take Care It be complyed with

2dly You are to suffer no Law relating to the Paper Currency to pass without sending the said Law over first for my Perusal, It being absolutely necessary for the Trade of his Majesty's Subjects here to consult with them on that head p. 234

You are to cause these Our Instructions to be Entered on the Journals of the Council

C B

Lib. C. B. Given under Our hand and Lesser Seal at Arms at London this twenty seventh day of December in the twenty ninth Year of Our Dominion over the said Province Annoq Dni 1743

By his Lordships Command
Jn° Browning Secretary

8th August 1744

Ordered by his Excellency the Governor that the present General Assembly of this Province which stands prorogued to the first Tuesday in September next be further prorogued to the last Tuesday in October next being the thirtieth day of the same Month, and Proclamations issued accordingly

George R:

Trusty and Welbeloved We greet you well. It having been represented unto us by Our Minister in Holland that Exception is taken there to that Clause in Our Declarations of War, against the Crowns of Spain and France, whereby It is declared, that the Ships of all Nations carrying Counterband Goods to the Enemies Port, shall be liable to Confiscation; under Colour of which It is apprehended there, that Vessels belonging to the Subjects of Our good Friends and Allies the States General, may come to be confiscated, on pretext of Part of their Cargoes being Counterband Goods, contrary to the express Articles of the Marine Treaty, concluded between Our Crown, & that Republick, at London the first Day of December 1674, confirmed by subsequent Treaties; or that by a larger Interpretation than was meant to be given to the General Words in the said Declarations, (viz^{t} other Contraband Goods) the Captains and Officers of Our Ships of War, and Others acting under Our Commissions, may make Prize of Dutch Ships, and their Cargoes, as well in Europe, as in America, upon Pretence of their having on board Spanish or French Effects, tho' not Contraband; And It being Our Royal Intention that the said Treaty Marine, and All Engagements, which subsist between Us, and Our said Good Friends and Allies, should be most carefully, and religiously observed; It is therefore Our Will and Pleasure, And We do hereby authorize and empower you to enjoyn all Captains of Ships, to whom you shall grant Letters of Marque, or Commissions for private Men of War, against the King of Spain, and the French King, & their Subjects, to observe carefully and religiously the said Treaty Marine, & give Security, pursuant to the tenth Article, for their due performance thereof. And so We bid

p. 225 (A)

you Farewell Given at Our Court at S[t] James's the fifth day of May 1744 in the seventeenth Year of Our Reign Lib. C. B.

By his Majestys Command

Deputy Governor of Maryland — Holles Newcastle

Whitehall 26[th] April 1744

Sir

You will receive, at the same time with this Letter, One from the Commissioners, whom his Majesty has been pleased to appoint for distributing the Moiety of the Prizes, taken from the Spaniards between the 10[th] day of July 1739, & 19[th] of October then following, by any of his Majestys Ships of War, desiring that you would take Care, that Publick Notice be given in all Parts under your Jurisdiction to the Agents for the Captors of all such Prizes taken as aforesaid, & to all Other Persons whom It may Concern, immediately to furnish the said Commissioners with authentick Accounts of all Transactions relating to the said Prizes, and also to pay to the said Commissioners the full Moiety of their respective Accounts, in Order to Enable them to carry into Execution his Majestys most Gracious Intentions towards such of his Subjects as have suffered by the unjust Seizures and Depredations of the Spaniards: I refer you to the Letter which you will receive from the Commissioners for a more particular Explanation of what may be desired to be done on your Part in this Matter; and am to signify to you his Majestys Pleasure, that you should do everything in your Power to enable them, in the most effectual Manner to execute their Commission (a) p. 226

I am Sir

Your most Obedient humble Servants

Deputy Governor of Maryland — Holles Newcastle

Sir

His Majesty having been pleased by his Royal Letters Patent bearing date the 4[th] day of february last, to constitute and appoint Us his Commissioners for distributing the Moiety of the Prizes taken from the Spaniards on or between the 10[th] day of July 1739 and the 19[th] day of Octo[r] then following by any of his Majestys Ships of War: And the better to enable Us to execute the Powers and Authorities granted by his said Commission has been pleased thereby to require and Command the several Agents for the Captors and All other Persons whom It may Concern, to observe and follow such Directions from time to time as they shall receive from Us; and to be aiding and assisting unto Us, as they will answer

Lib. C. B. the Contrary at their Peril: In Order therefore the more effectually to carry into Execution his Majesty's most Gracious Intentions towards such of his Subjects as have suffered by the unjust Seizures and Depredations of the Spaniards within the respective times and Limitations expressed in the said Commission We find it highly expedient That the Agents for the Captors of all such Prizes taken as aforesaid should immediately furnish Us with authentick Accounts of all Transactions relating to the said Prizes, and pay Us the full Moiety of their respective Accounts: And to that purpose We have caused publick Notice to be given here, in the London Gazette, One of which Gazettes We send inclosed herein; And also a Letter from his Grace the Duke of Newcastle on the same Subject; whereto We crave Leave to refer Your Excellency
p. 227 (a) And to the End that None may plead Ignorance thereof We are now to desire your Excellency will cause the like Notice to be given in all such Parts of your Jurisdiction, and in such manner as has been or is now customary to publish things of the like Nature; and to use all such other means of making the same known, as to Your Excellency may seem necessary We are with due Respect

Your Excellencys Most humble Servants

John Casamayor	W^m^ Baker
Eze Hall	Jn^o^ Hyde
Will^m^ Fawkener	Rob^t^ Jackson

London
18^th^ May 1744.

To Thomas Bladen Esq^r^ Deputy Governor of his Majestys Province of Maryland in America

Ordered by his Excellency the Governor that the following Proclamations issue

Maryland ss

By his Excellency Thomas Bladen Esq^r^ Governor & Commander in Chief in & over the Province of Maryland.

A Proclamation

Whereas His Majesty has been graciously pleased by Letter under his Majestys Sign Manual dated at S^t^ James's the 5^th^ day of May last to signify his Royal Will and Pleasure to me, that It having been represented to his Majesty by his Minister in Holland, that Exception had been taken there to that Clause in his Majestys Declarations of War, against the

Crowns of Spain and France, whereby It is declared, that the Lib. C. B.
Ships of all Nations carrying Counterband goods to the Enemies Ports, shall be lyable to Confiscation; Under Colour of which It was apprehended there, that Vessels belonging to his Majesty's good Friends and Allies the States General, may come to be confiscated on pretext of Part of their Cargoes being Counterband Goods contrary to the Express Articles of the Marine Treaty, concluded between His Majesty's Crown p. 228 (a)
and that Republick at London the first day of Decem^{r} 1674, confirmed by subsequent Treaties; or that by a larger Interpretation than was intended to be Given to the General Words in the said Declaration (Viz^{t} Other contraband Goods) the Captains of his Majestys Ships of War, and Others acting under his Majestys Commissions, may make Prize of Dutch Ships and their Cargoes as well in Europe as in America, upon Pretence of their having on board Spanish or French Effects altho' not Contraband; And It being His Majestys Royal Intention, that the said Treaty Marine, and all Engagements which subsist between his Majesty and his said good Friends and Allies should be most carefully and religiously observed; His Majesty has been pleased to authorize and empower me, to enjoyn all Captains of Ships to whom I shall grant Letters of Marque or Commissions for private Men of War against the King of Spain and the French King and their Subjects to observe Carefully and religiously the said Treaty Marine, & give Security pursuant to the tenth Article for their due performance thereof I have therefore thought fit with the Advice of his Lordships Council of State by this my Proclamation to make known his Majestys Royal Pleasure to the End that all Persons who shall apply to me for Letters of Marque or Commissions for private Men of War may conform themselves thereto Given at the City of Annapolis this tenth day of September in the 30th Year of his Lordships Dominion Annoq Domini 1744

Maryland ss.

By His Excellency Thomas Bladen Esq^{r} Govern^{r} & Commander in Chief in & over the Province of Maryland

A Proclamation

Whereas His Grace the Duke of Newcastle by his Letter to me dated at Whitehall the 26th of April last has signifyed his Majestys Royal Pleasure that I should give publick Notice in all Parts under my Iurisdiction to the Agents for the Captors of all such Prizes as have been taken from the p. 229 (a)

Lib. C. B. Spaniards between the 10th of July 1739 & the 19th of October following, immediately to furnish the Commrs in London appointed by his Majesty for distributing the Moiety of the said Prizes, with authentick Accounts of all Transactions relating to the sd Prizes and also to pay the said Commrs the full Moiety of their respective Accounts, in order to enable them to carry into Execution his Majesty's most Gracious Intentions towards such of his Subjects as have suffered by the unjust Seizures and Depredations of the Spaniards; In Obedience to his Majestys Commands I have thought fit with the Advice of his Lordships Council of State to issue this my Proclamation as the best Expedient to notify to all Concerned his Majestys Pleasure, and to require all Persons concerned within this Province forthwith to obey the same as they will answer the Contrary at their Peril Given at the City of Annapolis this tenth day of September in the thirtieth Year of his Lordships Domlnion Annoq Domini 1744.

At a Council held in the Council Chamber on Tuesday the 13th day of September in the 30th year of his Lordships Dominion Annoq Domini 1744

Present

His Excellency Thomas Bladen Esqr Governor

The honble	Benjamin Tasker Esqr	Col Char. Hammond
	Col George Plater	Samuel Chamberlain Esq
	Edmund Jenings Esqr	Philip Thomas Esqr
	Col Jas Hollyday	Daniel Dulany Esqr

Ordered that One pound of Tobacco p poll be levied on the Taxable Inhabitants of this Province Anno 1744 pursuant to an Act of Assembly Entituled An Act for the ordering and
p. 230 (a) regulating the Militia of this Province, for the better Defence and security thereof, provided there is not a Necessity to call an Assembly; and that the same when raised be proportioned to the Payment of such Persons as have any Demands upon the Publick relating to the Indian Conspiracy in this Province in the year 1742; and if after such Payments made any Tobacco remains the Overplus be paid the Sheriffs for the Imprisonment fees of the said Indians.

Edmund Jenings Esqr One of the Commrs appointed by his Excellency to go up to Lancaster Town and treat with the Northern Indians, lays before this Board the Treaty entered into by the Commrs on behalf of this Province and the said Indians, which Treaty is ordered to be printed; and also a Deed from the said Indians releasing their Claim to any Lands within the Limits contained in the said Deed, which Deed is as follows.

To All People to whom these Presents shall come Lib. C. B.

Cannasatego Tachanuntie, Johnahat, Toruchdadon, Neetokanyhak, and Roturawuchto, Sachems or Chiefs of the Six Nations of the Onondagoes Saguchsoyunt, Gachraddodow, Rowanhohiso, Osochquah, Seayenties Sachems or Chiefs of the Nation of the Cahuga's Swadany alias Schrckelimy, Onichnaxqua, Onoch, Kallydawey alias Watsatuha, Tohashwanrararows Arughhotchthaw and Tior-haasery Sachems or Chiefs of the Nation of the Tuscararo's, Tanasanegos and Tanichiuntus Sachems or Chiefs of the Nation of the Senekers send Greeting, Whereas the Six United Nations of Indians laying Claim to some Lands on Potomack and Susquehanna Rivers in the Province of Maryland signified their Willingness to enter into a Treaty concerning the same Whereupon Edmund Jenings Philip Thomas, Robert King and Thomas Colvill Esq[rs] were deputed by the Governor of the said Province as Commissioners to treat with the said Six Nations or their Deputies Sachems or Chiefs as well of and concerning their said Claim as to renew the Covenant Chain between the said Province and the said Six Nations, and that the said Commissioners having met at Lancaster in Lancaster County and as a foundation for a Stricter Amity and Peace at this Juncture agreed with the said Sachems or Chiefs of the said Six Nations for a disclaimer and Renunciation of all their Claim or Pretence of Right whatsoever of the said Six Nations to the Land contained within the Lines hereafter Expressed p. 231 (a) Now Know Ye that for and in Consideration of the sum of three hundred Pounds Current Money of Pennsylvania paid and delivered to the abovenamed Sachems or Chiefs partly in Goods and partly in Gold Money by the said Commissioners they the said Sachems or Chiefs on behalf of the said Six Nations do hereby renounce and disclaim to the Right Honourable the Lord Baltimore Lord Proprietary of the said Province of Maryland his Heirs and Assigns All Pretence of Right or Claim whatsoever of the said Six Nations of in or to any Lands that lye on Potomack alias Cohongoroutan or Sasquehannah Rivers or in any other Place between the Great Bay of Chesopeak and a Line beginning at about two Miles above the uppermost fork of Cohongoroutan or Potomack on the North Branch of the said Fork, near which Fork Captain Thomas Cressap has a hunting or trading Cabbin and from thence by a North Course to the Boundaries of the Province of Pennsylvania and so with the Boundaries of the said Province of Pennsylvania to Sasquehannah River but in Case such Limits shall not include the present Inhabitants or Settlers then such and so many other Line or Lines shall be drawn from the said two Miles above the Fork to the outermost

Lib. C. B. Inhabitant or Settlement as shall include every Settlement and Inhabitant of Maryland and from thence by a North Line to the Bounds of the Province of Pennsylvania shall be deemed and construed the Limits intended by these Presents any thing herein before contained to the Contrary notwithstanding And the said Sachems or Chiefs do hereby on behalf of the said Six United Nations declare their Consent and Agreement to be that every Person or Persons whatsoever who now is or shall be hereafter setled or seated in any part of the said Province so as to be out of the Limits aforesaid shall nevertheless continue in their Peaceable Possessions free and undisturbed and be esteemed as Brethren by the said Six Nations In Witness Whereof the said Sachems or Chiefs for themselves and on Behalf of the Six Nations aforesaid have hereunto set their hands and Seals the thirtieth day of June In the Year of our Lord 1744

Signed Sealed and Delivered
In the Presence of
the Rasure and Interlineation being first made

Thomas Lee	James Patton	Thomas Cookson
William Beverton	Witham Marshe	Thomas Cradock
Richard Peters	James Madison	Robert Brooke jun^{r}
Nat. Rigbie	James Hamilton	James Logan jun^{r}
Phil: Lnd: Lee	Daniel Jevon	Abraham Taylor
N. Rigbie Jun^{r}	William Logan	Andrew Hamilton
	Benedict Calvert	Conrad Weiser
		Interpreter

p. 232 (a)

Onich Naxqua his Mark ×	Sidowax his Mark ×
Swadaany alias Schikeling ×	Tawayadachqua his Mark ×
	Minsger Mark
Unich Kalldawry ×	
Tohas Wangaroras ×	Jo: Adack alias Rowanhohison ×
Harugh Hocktha ×	his Canasatego Mark ×
Tior Haasary	his Tacanuntic Mark ×
Tanasanegos ×	John Whot his Mark ×
Tanich Neutus ×	Caxayion his Mark ×

Lib. C. B.

his
×
Saguchsonyiunt Toraghdadon Mark
×
his
Netokany Hack × Mark
Gachvadodow his
×
Rotierawuchtu Mark
his
×
Tohasalayakon Cacknorasy mark
by their Friend Conrad Weiser
Ojoghyuah his Mark ×
Tarrughia Waggon

Ordered that the said Deed be recorded in the Secretarys Office, which being delivered to the Clerk was done accordingly.

The hon̄ble the Comm^{rs} of Maryland for Indian Affairs to Witham Marshe

		D^{rs}
1744 June 12th	To Copying Indian Treaties from 1652 to 1721.	3 : 00 : 0
	To Engrossing your Commission from his Excellency Governor Bladen	1 : 10 : 0
July 8th	To 14 Days in the Execution of the Treaty with the Indians as Clerk at Lancaster	14 : 00 : 0
	To 7 Days Journey thither and back again	7 : 00 : 0
	To Expences paid in Maryland	1 : 00 : 0
		£26 : 10 : 0

The aforegoing Account being read and allowed Ordered that the hon̄ble Col James Hollyday Treasurer of the Eastern Shoar pay unto M^{r} Witham Marshe or Order out of the Duty of 3^{d} ℔ hh^{d} for Arms the sum of 13 : 05 : 0 Sterling in Lieu of 26 : 10 : 0 Currency in full of the said Account p. 233 (a)

The honble Council D^{r}

1744 April 18.	To the Coopers Account for Work done to the Powder Barrels	5 : 7 : 6
June 7.	To Cash paid M^{r} Denton for Scantling	2 : 8 : 0

Lib. C. B.

To Carting the Scantling	0: 4:0
To Cash paid Mordecai Hammond for 400 feet of 1¼ Inch Plank at 12: 6 ꝑ hundred	2: 0:0
To John Thompsons Account for Work	7: 10:0
To Cash paid for Carting the Plank	0: 2:0
To Bricklayers Work	1: 0:0
To Iron wᵍ 69 Lwᵗ at 12ᵈ ꝑ Lwᵗ	3: 9:0
To Staples hooks & Bolts for the Powder house Windows	0: 18:0
To Attendance upon the Bricklayer	0: 3:0
	£23: 01: 6

The aforegoing Account being read and allowed, Ordered that the Honble Col James Hollyday Treasurer of the Eastern Shoar pay unto Mʳ Richard Tootell or Order out of the Duty of 3ᵈ ꝑ hhᵈ for Arms the Sum of 11: 10: 9 Sterling in Lieu of 23: 01: 6 Currency in full of the said Account.

Simon Alsechqueck and three Other Nanticoke Indians appeared at this Board, and on behalf of themselves and the rest of the said Nanticoke Indians now residing in this Province, desire that they said Nanticoke Indians may be permitted to leave Maryland and to live amongst the Six Nations of Indians, and that this Board would be pleased to direct a Pass might be given them which being granted, they had a Pass in the following Words Viz.

p. 234 (a) Maryland ss.

Whereas in the late Treaty with the Six Nations of Indians the Commissioners for this Province promised the Chiefs of the said six Nations that the Nanticoke Indians should be permitted if they should desire it to leave Maryland and live amongst the Six Nations or where they (the Six Nations) should appoint And Whereas the said Nanticoke Indians have applyed to the Governor & Council for Leave to depart this Province and to remove to the Six Nations or to such Place as they shall appoint them to live in out of this Province

In Complyance therefore with the said Promise made to the Six Nations, the said Nanticoke Indians are hereby permitted to depart this Province, and all his Majestys Subjects inhabiting the same are strictly charged and required to suffer the

said Indians to pass without any Molestation or Disturbance they behaving quietly and peaceably Given under my hand & Seal this 13th day of September Anno Domini 1744. Lib. C. B.

At a Council held in the Council Chamber on Wednesday the 14th day of September in the 30th year of his Lordships Dominion Annoq Dni 1744

Present as Yesterday

His Excellency is pleased to lay before this Board the following Deposition.

The Deposition of Joshua George

Who being duely sworn on the holy Evangels of Almighty God deposeth and saith that about the latter End of May last being in Company with Mr Nicholas Goldsborough of Talbot County The Deponent said that he thought it a very hard Affair the Sheriffs & others should not have some Recompence for their Trouble and Money expended on the Indians who had been Committed or to that purpose He the said Goldsborough answered that he thought It a very cruel Affair on the Indians for that they had had Mr Ogles or Governor Ogles Pass to meet, & then to molest them was very hard: The Deponent then told him he had never heard of any such thing, and that had It been so, probably it would have been publick; He the said Goldsborough then said He had it from a Man in Queen Anns County who had seen the Pass signed by Mr Ogle; This Depont then answered 'twas strange that Others or more had not seen the same thing, Our Conversation turned on the Indians that came down into Maryland, and that were said to be Carrying on some Designs against this Province, whether the Particular Nations of Indians were mentioned or not this Deponent can't positively remember, but this Deponent understood them to be the Shawans that had had the Pass and further saith not. p. 235

Joshua George
14 Septemr 1744

Memorandum that on the 14th Septemr 1744 personally appeared Joshua George before me the subscriber one of his Lordships Justices of the Provincial Court of Maryland & made Oath on the holy Evangels of Almighty God that to the best of his Remembrance the above Deposition is true

Sworn to before
Robt Gordon

Lib. C. B. Upon reading and Considering the said Deposition It is ordered that the Clerk deliver the same to the Attorney General, and It is likewise ordered that the Attorney General prosecute the said Goldsborough for such his Offence at the next Provincial Court according to Law

Ordered that the Clerk of this Board write to the Colonels of Dorchester Somerset & Worcester Counties the following Letter

Sir

Whereas in the late Treaty with the Six Nations of Indians the Comm^rs for this Province promised the Chiefs of the said Six Nations that the Nanticoke Indians should have their Guns
p. 236 which were taken from them by Order of this Government re-delivered to them

In Complyance therefore with the said Promise made to the Six Nations you are hereby desired to see that the Guns taken from the Indians in your County, and which are lodged in different Places therein, be safely delivered to them; the Nanticoke Indians having desired of this Government leave to depart the Province and go up and reside among the Six Nations of Indians

I am Sir &c

Ordered that the Colonels of the several Counties of this Province do not for the future enlist either in the Militia of Horse or Foot in the said Counties any Person professing the Roman Catholick Religion; and if any such person be already enlisted in the Militia of this Province It is hereby ordered that the Colonels of the said Counties give Directions to their inferior Officers to discharge such Roman Catholicks from any further Attendance in the said Militia

Ordered that the present General Assembly of this Province be dissolved at the Expiration of their three years, and that Writts of Election issue to call a new Assembly bearing Date the last of February next returnable to the first Day of May next.

15^th^ October 1744

Ordered by his Excellency the Governor that the present General Assembly of this Province which stands prorogued to the last Tuesday of this Instant October be further prorogued to the last Tuesday of November next being the 27^th^ day of the same Month & Proclamations issued accordingly

20th November 1744 Lib. C. B.

Maryland ss.

By his Excellency Thomas Bladen Esqr Govr & Commander in Chief in and over the Province of Maryland.

A Proclamation p. 237

Whereas the present General of this Province stands prorogued to the last Tuesday of this Instant November, And Whereas there is no Business of Moment which requires their Attendance at the time, I have therefore thought fit with the Advice of his Lordships Council of State to dissolve the same And I do hereby dissolve the same And to the Intent that all persons concerned may have due Notice thereof I do hereby strictly charge and require the several Sheriffs of this Province to make this my Proclamation publick in their respective Counties in the usual manner as they will answer the Contrary at their Peril. Given at the City of Annapolis this 20th day of November in the 30th year of his Lordships Dominion Annoq Domini 1744.

Maryland ss.

By His Excellency Thomas Bladen Esqr Governor & Commander in Chief in & over the Province of Maryland

A Proclamation

Whereas Proclamations have been heretofore published within this Province, making known unto all Persons who had at any time obtained special Warrants of any kind whatsoever and returned Certificates thereof into the Land Office, that unless within Two years next after the Date of such Proclamation, they did pay and satisfy unto his Lordship or to his Agent, or other Officer by him appointed to receive the same, such Price as should be agreed upon for Escheat, or otherwise forfeited Lands; for vacant Cultivated Lands and the Improvements made thereupon; and make good Rights to contiguous Vacancys added under former Surveys according to the Import and true Design of such special Warrants and do likewise sue out Grants thereon within the time limited as afd that then and in all Cases of Neglect either in paying the Purchase Money or making good Rights as afd his Lordship did thereby recall revoke and make null his former p. 238 Acts of Favour in the Granting of such special Warrants declaring all Lands so resurveyed and not paid for as afd to be again subjected to the Preemption of the next Discoverer which said Proclamations have been hitherto little regarded by the People of this Province

Lib. C. B. Wherefore for the better Enforcing the same & for removing any Pretence of Surprize upon any of his Lordships Tenants; These are in his said Lordships Name to publish and make known unto all Persons whatsoever having or pretending any Rights to Lands by Certificate of Resurvey returned and lodged in his Lordships Land Office, upon Escheat Warrants, upon Warrants for Vacant Cultivation, or upon special Warrants for adding Contiguous Vacancy as af^{d} that if they do not apply to the Agent and make Purchase of his Lordships Right to such Lands as aforesaid and sue out Grants thereon according to the Design & purport of the above recited Proclamation then and in all such Cases the several Tracts of Land so resurveyed, and now lying upon Certificate returned and lodged in his Lordships Land Office are subjected as by the former Proclamations to the first Discoverer of such Deficiency, or failure in the Payment of the Purchase Money, or neglected making good Rights to the same, which Discoverer for his greater Encouragement will be allowed the Preemption of the Lands so by him discovered to have been held & Claimed by any Person or Persons whatsoever without paying the Purchase money, or making good Rights to Vacancies as af^{d} Whereof We charge his Ldps Agent and Secretary and all Others concerned to take particular Notice.

Given at the City of Annapolis this seventh Day of February in the 30th Year of his Lordships Dominion Annoq Domini 1744

At a Council held in the Council Chamber on Tuesday the 26th day of february in the 30th year of his Lordships Dominion Annoq Domini 1744

Present

p. 239 His Excellency Thomas Bladen Esq^{r} Governor

The honble { Edmund Jenings Esq^{r} Col Charles Hammond / Daniel Dulany Esq^{r}

His Excellency acquaints the Board that he had appointed Benjamin Young Esq^{r} and Benjamin Tasker jun^{r} Esq^{r} Members of his Lordships Council, and that they now attend in Order to be qualified

Whereupon the said Benjamin Young and Benjamin Tasker take the Oaths to the Government appointed to be taken by Act of Assembly, and likewise the Oath of a Councillor, and subscribe the Abjuration & Test and take their Places at the Board accordingly.

His Excellency is pleased to lay before this Board the following Account

1744 Dr His Excellency Thomas Bladen Esqr Lib. C. B.

To Cash paid Edward Shippen for Indian Goods &c	92 : 15 : 3	By his Bills of Exch £60 at 70 p Cent	102 : 00 : 0
Novemr 20. To Cash paid him	9 : 04 : 9		
	102 : 00 : 0		

Errors Excepted 20 Novemr 1744
John Galloway

Ordered that the Clerk of this Board draw an Order on Mr Saml Hyde Merchant in London payable to his Excellency Thomas Bladen Esqr or Order for the sum of Sixty Pounds Sterling, out of the Duty of three pence p hhd for Arms lodged in his the said Hydes hands by Samuel Young Esqr late Treasurer of the Western Shoar; and which said Sum of Sixty Pounds Sterling was advanced by his Excellency to John Galloway then of Philad Merchant for the Purchase of Goods for the Indians as appears by the preceeding Account.

Ordered that the Clerk of this Board pay to Mr Richard Tootell the Ballance of the above Account being £ s d 9 : 04 : 9 Philad Paper Money, which amounts to 5 : 14 : 4 Sterling in Part of his Salary as Armourer of this Province, and It is also ordered that the Clerk of this Board draw an Order on Mr p. 240 Samuel Hyde Merchant in London payable out of the Duty of three pence p hhd for arms lodged in his the said Hydes hands by Samuel Young Esqr late Treasurer of the Western Shoar, to Mr Richard Tootell or his Order the sum of 54 : 5 : 8 Sterl both which sums amounting to Sixty Pounds Sterling are in full for One year & a half Salary due to the said Tootell as Armourer of this Province the fifth Day of March next.

At a Council held at the house of his Excellency Thomas Bladen Esqr Governor of the Province on Saturday the 23d day of March in the 30th year of his Lordships Dominion Annoq Domini 1744.

Present

His Excellency Thomas Bladen Esqr Governor

The honble Benjamin Tasker Esqr, George Plater Esqr, Edmund Jenings Esqr, Col Charles Hammond, Daniel Dulany Esqr, Philip Thomas Esqr, Benjamin Young Esqr, Benj. Tasker jun Esqr

Lib. C. B. His Excellency is pleased to lay before this Board the following Deposition of M^r John Ramsay relating to the Behaviour of M^r Philip Hammond of Ann Arundel County at the last Election of Delegates for the said County.

"After Edmund Jenings Esq^r had given his Vote for M^r "John Gassaway, M^r Philip Hammond returned him thanks "immediately, & turned to the Audience and said, Gentlemen, "he ought to be excused, the Gentleman is not a freeman, "this is the Truth to the best of my knowledge"

March 19^th 1744/5 John Ramsay

John Ramsay made Oath before me of the Truth of the above written Words

B Young

Ordered that the said Affair be reconsidered, and that
p. 241 further Depositions be taken relating to the same.

22^d April 1745

Ordered by his Excellency the Governor that the present General Assembly of this Province which by the Return of the Writt of Election was to have met at the City of Annapolis on the first Tuesday of May next, be prorogued to the first Tuesday in June next being the 4^th day of the same Month, and Proclamation issued accordingly.

20 May 1745

Ordered by his Excellency the Governor that the present General Assembly of this Province which stands Prorogued to the first Tuesday of June next be further Prorogued to the first Tuesday in July next being the second day of the same Month and Proclamations issued accordingly.

10 June 1745

Ordered by his Excellency the Governor that the present General Assembly of this Province which stands Prorogued to the first Tuesday in July next be further Prorogued to the first Tuesday in September next being the third day of the same Month and Proclamations issued accordingly.

At a Council held at the house of his Excellency the Governor in the City of Annapolis on Friday the 19^th day of July in the thirty first year of his Lordships Dominion Annoq Domini 1745

Present Lib. C. B.

His Excellency Thomas Bladen Esq[r] Governor

Benjamin Tasker Esq[r] } Daniel Dulany Esq[r]
Edmund Jenings Esq[r] } Philip Thomas Esq[r]
Col Charles Hammond } Col Benj. Tasker.

His Excellency is pleased to lay before this Board a Letter he received from William Shirley Esq[r] Governor of New England informing him of the Reduction of Cape Breton to his Majesty's Obedience, and desiring the Assistance of this Government towards the Defence and Security thereof, which being read It is the humble Advice of this Board to his Excellency that He order a Proclamation to be prepared to require the Meeting of the Assembly on the fifth of August next, which being drawn and approved of issued as follows. p. 242

Maryland ss.

By his Excellency Thomas Bladen Esq[r] Governor & Commander in Chief in and over the Province of Maryland.

A Proclamation

Whereas the present General Assembly of this Province stands prorogued to the first Tuesday in September next being the second Day of the same Month, But forasmuch as the Town of Lewisburgh on Cape Breton has been lately taken from the French and reduced to his Majesty's Obedience which is a very great Security to the Trade of the British Colonies on the Continent of America, and of such Importance to France, that It cannot be doubted but that the French King will use his Utmost Efforts to retake it, which Nothing can prevent unless the Place be immediately supplyed with Men Ammunition and Provision to defend it till a sufficient force can arrive from Great Britain for that Purpose; And that his Excellency William Shirley Esq[r] Governor of New England hath applyed to me for Assistance, which Assistance to be given by the Assembly, To the End therefore that no Delay may be given to any Supplies that the Assembly may think fit to give on so very important and pressing an Occasion I have therefore thought fit with the Advice of his Lordships Council of State by this my Proclamation to notify and publish that the General Assembly of this Province meet and be held at the City of Annapolis on the fifth Day of August next and that All the Members of Both houses personally attend at the time and Place af[d] to consult of the necessary means for performing the same And I do hereby strictly charge and require the several Sheriffs of this Province to make this my

Lib. C. B. Proclamation publick in their respective Counties in the Usual manner as they will answer the Contrary at their Peril Given at the City of Annapolis this 19th of July in the thirty first year of his Lordships Dominion Annoq Domini 1745.

p. 243 At a Council held in the Council Chamber on Wednesday the 28th day of August in the 31st year of his Lordships Dominion Annoq Domini 1745.

Present

His Excellency Thomas Bladen Esqr Governor

The hoñble Benjamin Tasker Esqr, Coł George Plater, Edmund Jenings Esqr, Coł James Hollyday, Coł Chas Hammond, Philip Thomas Esqr, Daniel Dulany Esqr, Coł Edward Lloyd, Benjamin Young Esqr, Col Benj. Tasker, Richard Lee Esqr

The following Account is laid before this Board by the Commrs appointed to treat with the Indians at Lancaster

D The Province of Maryland on Account of the Indian Treaty at Lancaster in June 1744

	£ s d
To Money and Goods paid the Indians on signing a Deed of Release of their Claim or Demand on the Lands in Maryland, also for renewing and confirming the Treaty of Peace with this province together with the Satisfaction paid to Conrade Weiser the Interpreter for his good Service and Diligence therein	500 : — : —
To the Moiety of Thomas Cookson's Account for provisions and Accommodations for the Indians	106 : 6 : 8
To Mr Richard Peters for Wampum	11 : 6 : 10
To William Logan for the Moiety of a hhd of Rum	8 : 8 : 6
To Peter Worrell for the Moiety of his Account for Expences of the Commissioners and Indians at Lancaster	64 : — : —
To Conrade Weiser Part of an Express sent by him to Annapolis	3 : 13 : —
To Edmund Jenings Esqr his Account for Sundry Expresses and travelling Expences amounting to £ 8 : 5 : Pensilvania Currency & 17 : 8. Maryld Currency is in Pensilvania Currency (£ s)	21 : 6 : 6

To Philip Thomas Esq[r] his Account for Travelling Expences to and from Lancaster	7 : 10 : —	Lib. C. B.
To Ditto for an Express from Tho[s] Hughs to Lancaster	1 : 17 : 10	
To Col[l] King & Col[l] Colvill Expresses on their Return to Bohemia	1 : — : 3	
	725 : 9 : 7	
To Col[l] King Expresses up and down the Eastern Shoar	2 : 00 : 0	p. 244
To Richard Goldsmith for going Express from his Excellency to Lancaster £5 : 10 : — Maryland Currency is in Pensilvania Currency	4 : 02 : 6	
To John Ross Esq[r] for Cash paid Green for Postage of Letters from M[r] John Galloway at Philadelphia 0 : 8 : 9 and for Cash paid James Barnes for carrying a Letter to Col King £6 : — : — in all 6 : 8 : 9 Maryland Curr is in Pensilvania Currency	4 : 16 : 7	
	736 : 08 : 8	

p Contra C[r]

By Bills of Exchange drawn on Mess[rs] Hyde & Company on the Account of the 3[d] p hh[d] for Arms and Ammunition lodged in their hands by Robert Ungle Esq[r] late Treasurer of the Eastern Shoar for 300£ Sterling and sold at Lancaster to James Johnson Merchant amounting with the Exchange in Pensilvania Currency to	477 : 5 : 4	
By sundry Goods from Philadelphia; part of which Goods were paid for by Col Gale at Philadelphia, and the Other part by the Governors Bill to John Galloway for which Orders of Council were given them to be repaid out of the 3[d] for Arms; to the Amount of	218 : 17 : 0	
	696 : 02 : 4	
By Ballance due	40 : 06 : 4	
	£736 : 08 : 8	

Edm[d] Jenings P Thomas
Rob King Tho[s] Colvill

Ordered that the hon̄ble Col[l] Charles Hammond Treasurer of the Western Shoar pay out of the Duty of 3[d] p hh[d] for

Lib. C. B. Arms lodged by him in the hands of Mr Hyde Merchant in London to Edmund Jenings Esqr or Order the sum of twenty five Pounds seven shillings Sterling in lieu of forty pounds Six shillings & four pence Pensilvania Currency being the Ballance of the above Account.

p. 245 At a Council held in the Council Chamber on Saturday the 28th day of September in the 31st year of his Lordships Dominion Annoq Dni 1745

Present.

His Excellency Thomas Bladen Esqr Governor

Benjamin Tasker	Samuel Chamberlain Esqr
Col George Plater	Philip Thomas Esqr
Edmund Jenings Esqr	Daniel Dulany Esqr
Col James Hollyday	Col Edward Lloyd
Col Charles Hammond	Benjamin Young Esqr

His Excellency is pleased to acquaint this Board that although he has by repeated Messages to the Assembly pressed them to enable him to send a proper Present to the Indians in order to establish them in their friendship & Union with Us, which the Lower house have always refused to do

It is therefore the Advice of this Board that the hon̄ble Col Charles Hammond Treasurer of the Western Shoar be directed to draw out of the Duty of 3d p hhd for Arms lodged by him in the hands of Mr Samuel Hyde Merchant in London payable to his Excellency for the sum of One hundred Pounds Sterling, which Order when so drawn his Excellency is desired to remit to the hon̄ble George Clinton Esqr Governor of New York to be by him sent to the Indians as a present from this Province

10th October 1745

Ordered by his Excellency the Governor that the following Proclamation issue

Maryland ss.

By his Excellency Thomas Bladen Esqr Governor & Commander in Chief in & over the Province of Maryland.

A Proclamation

Whereas frequent Complaints have been made to me by and on behalf of the Inhabitants of the Back Woods in several Parts of this Province and especially in Prince Georges County; that several Idle and disorderly p̄sons (who make hunting for

Deer and Other Wild Beasts and Game their Chief Business) Lib. C. B.
come from the Neighbouring Colonies and not only destroy the p. 246
Deer and Other Game, of which the Inhabitants ought to have the sole Advantage—exclusive of all Strangers, but also set the Woods on fire, whereby the Pasturage is destroyed as well as the Peoples fencing and Even their Dwellings often endanger'd and that the said Hunters committ divers Other Irregularities to the great Prejudice and Loss of many the Inhabitants of this province and against the Peace thereof Wherefore in Order, as much as in me lies, to suppress the said Hunters and to prevent the Injuries they do to the Good People of this Province I have thought fit with the Advice of his Lordships Council of State to issue this my Proclamation strictly charging and commanding all his Lordships Officers or Others to apprehend all Non Residents (Indians only excepted) who shall presume to hunt for any Deer or Other Wild Beast or Game or fire the Woods in any part of this Province, and Every such Person so apprehended to carry before some Magistrate, and that Every Magistrate before whom any such ꝑson shall be brought upon sufficient or probable Proof of the fact, to take sufficient Security for the Appearance of such Offender at the next Court to be held for the County where the Offence shall be Committed to answer for such Offence, and in Default of such Security to commit the Offender to Prison until such Security be given or the Party be delivered by due Course of Law Given at the City of Annapolis this 10th day of October in the 31st year of his Lordships Dominion Annoq Domini 1745.

The Like Proclamation issued to Baltimore County.

11th October 1745

Ordered by his Excellency the Governor that the following Proclamation issue

Maryland ss.

By his Excellency Thomas Bladen Esqr Govr & Commr
in Chief in and over the Province of
Maryland

A Proclamation

Whereas his Majesty has been graciously pleased in Order to settle the Island of Rattan in the Gulf of Mexico, to order in Council, that Port Royal in the said Island shall be a free Port for all his Majestys Subjects; where no Duties Either of Export or Import shall be paid for any Goods or Shiping under p. 247
any Pretence whatsoever

Lib. C. B. That a reasonable Quantity of Land shall be granted to all New Comers being Protestants, Either British or Foreigners, in fee Simple in proportion to the Number of People by them imported, that is to say, for Every Man Woman or Child as well free as Slaves, twenty Acres

That the Land shall be surveyed laid out and granted to such New Comers free from All fees or Rewards by a Person to be appointed by his Majesty.

That the said Lands shall likewise be exempt from all Quitt Rents Duties and Services for twenty years from the Date of the respective Grants except only Services in the Militia for the Defence of the Island in time of Need, and after the Expiration of the twenty years A Quitt Rent to be paid not exceeding two Shillings ꝑ hundred Acres.

That Every Inhabitant his family and Slaves shall be subsisted with Provisions out of the Publick Store for the first year after their Arrival & be furnished with working Tools for clearing and cultivating their Lands

That all Protestant Natives or foreigners shall enjoy full Liberty of Conscience in Matters of Religion & be Entituled to all the Privileges of English Subjects

That no Inhabitant of the s^{d} Island shall be arrested distrained or prosecuted for any Debt contracted before his Arrival on the said Island

That an Additional Encouragement be given in Grants for Land to All Carpenters, Sawyers, Smiths, Coopers, Masons Brickmakers and all other handy-craft Tradesmen who shall settle on the said Island That his Majesty is graciously pleased to issue his Royal Orders to the Governor of Jamaica and the Commander of his Majestys Squadron, stationed on that Island, upon all Occasions to protect defend and assist the Inhabitants of Rattan

And His Majesty judging it proper, in Order to make a speedy Settlement on the said Island that the before mentioned Encouragements should be published and made known in Others of his Majestys Colonles abroad did therefore order that the Lord's Commissioners of Trade and Plantations should transmit Copies of that his Majestys Order to the
p. 248 Governor & Commanders in Chief of such of his Majestys Colonies in America is They should think proper on that Occasion, with Directions to them to cause the said Encouragements to be published and distributed within their respective Governments; And Whereas their Lordps. have transmitted a Copy of his Majestys Order to me to be so published I have therefore in Obedience to his Majestys Commands signifyed to me by the said Lords Commiss^{rs} issued this my Proclamation hereby strictly charging and requiring the several Sheriffs of

this Province to make the same publick in their respective Counties in the Usual Manner as they will answer the Contrary at their Peril Given at the City of Annapolis this 11th day of October in the 31st year of his Lordships Dominion Annoq Domini 1745. Lib. C. B.

At a Council held at the house of his Excellency the Governor in the City of Annapolis on Wednesday the 20th of November in the 31st year of his Lordships Dominion Annoq Dni 1745

Present

His Excellency Thomas Bladen Esqr Governor

The hoñble { Benjamin Tasker Esqr, Edmund Jenings Esqr } { Daniel Dulany Esqr, Benjamin Young Esqr }

The Clerk of the Council lays before this Board an Order of his drawn by Order of the Governor and Council of the 26th of february last payable, out of the 3d ꝑ hhd for Arms lodged in Mr Hydes hands by the late Col Young to Mr Richard Tootell or his Order for 54 : 05 : 8 Sterling and which said Order Mr Hyde did not pay, but answered "that he would "pay the said Bill as soon as he had Advice that the Drawer "had Directions to draw such Order by Directions of the "Governor & Council" Which Answer not being satisfactory, the said Order was protested and delivered to the Clerk of this Board by Charles Carrol Esqr to whom the same was Endorsed, in Order to be renewed

Ordered that the Clerk of this Board renew the same with the Damages payable to Charles Carrol Esqr by an Order on Mr Hyde payable out of the Duty of 3d ꝑ hhd for Arms lodged in his hands by Saml Young Esqr late Treasurer of the Western Shoar, and that he write to Mr Hyde the following Letter p. 249

20 Novemr 1745

Sir

The Bill of 54 : 05 : 8 payable to Richard Tootell which I drew on you by Order of the Governor and Council being returned protested I am directed by that Board to inform you, They could not suppose you was unacquainted with my hand Writing since I have drawn several Bills on you by their Directions payable out of the Monies in your hands in the Disposal of the Governor and Council, and therefore they were surprized you gave an Opportunity to protest that Bill, which must be attended with an Additional Expence to the Publick it charged to that fund, and perhaps with some Reflection on the Governor and Council, especially as that Bill has fallen into the hands of Pensilvanians

Lib. C. B. I am further directed by the Governor and Council to advise you of my having renewed that Bill by another Draught on you for 62 : 13 : 10 payable to Charles Carroll Esq[r] which they hope will not meet with the same fate as the former

There are Bills for 300 £ out of M[r] Ungles Ballance & also a Bill for 60 £ payable to the Governor drawn by me on you by Order of the Governor & Council, and as they have not heard anything about them, they doubt not but they are paid

I am S[r] Y[r] Most h[ble] Servant
John Ross

The above Letter is wrote by Order of the Gov[r] & Council
Benj. Tasker, President

21[st] January 1745

Ordered by his Excellency the Governor that the following Proclamation issue

Maryland ss.

By his Excellency Thomas Bladen Esq[r] Gov[r] & Commander in Chief in & over the Province of Maryland

Whereas I have received Information that the French Indians intend to pass through the Back Parts of this Province
p. 250 in Order to attack the Catawabee Indians (who are in Amity with his Majesty's Subjects) and will, as It is said, attempt to plunder and annoy as many of the said Subjects as they can I have therefore with the Advice of his Lordships Council of State issued this my Proclamation to acquaint the Back Inhabitants of this Province of the mischievous Designs of Our Enemies to warn them to be upon their Guard and strictly to charge and require all his Lordships Officers to use their utmost Endevours to oppose distress and destroy the said Indians and to that End to arm and Assemble together the Inhabitants when and as often as there shall be Occasion and from time to time to give me the Earliest and most speedy Intelligence of the Motions and Proceedings of the Enemy And I do hereby strictly charge and require the Sheriff of Prince Georges County to make this my Proclamation publick in the said County in the usual manner as he will answer the Contrary at his Peril Given at the City of Annapolis this 21[st] Day of January in the 31[st] year of his Lordships Dominion Annoq Domini 1745

The like proclamation issued to Baltimore County.

At a Council held at the house of his Excellency the Gover- Lib. C. B.
nor in the City of Annapolis on Monday the 24th of february
in the 31st year of his Lordps Dominion Annoq Domini 1745.

Present

His Excellency Thomas Bladen Esqr Governor

The hoñble { Benjamin Tasker Esqr, Edmund Jenings Esqr, Coł Charles Hammond, Philip Thomas Esqr, Daniel Dulany Esqr, Benjamin Young Esqr, Coł Benj. Tasker }

His Excellency having laid before this Board a Letter he rec'd from the Governor of New York, inclosing a Draught of the hoñble Col Charles Hammond Treasurer of the Western Shoar on Mr Samuel Hyde Merchant in London payable out p. 251
of the Duty of three Pence p hhd for Arms to the hoñble George Clinton Esqr Governor of New York dated 28th of September last; the Governor not having made Use of the same as a Present from this Government for the Indians; Ordered that the same be cancelled

Read the following Letter

New York 27th January 1745

Sir

Pursuant to my Recommendation to the Council & Assembly to make Provision for the Appointment of Commissioners for this Province to treat with such Comm̄rs as are or shall be appointed by the Neighbouring Governments upon concerting Measures for our mutual Security Defence and Conduct during the present War, Committees of both Houses have conferred upon the subject Matter thereof, and requested me to appoint Commissioners for that purpose, who are to make Report of their Proceedings with their Opinions thereupon, that such Measures may be taken jointly with the several Governments as shall be judged most expedient.

They have likewise desired me to represent to the several Governments upon the Continent the Wavering Disposition of the Indians and the fatal Consequences which may arise to all the Colonies in General in Case they should be withdrawn from their Fidelity and Dependance upon the British Interest: Whereupon there seems to be an absolute Necessity for the Colonies uniting their Endeavours at all Events to secure the Indians effectually in Our Interest at this Critical Conjuncture, As the Enemy leave No Artifice untryed to seduce them having many Jesuitical Emissaries constantly residing amongst them and should They at length prevail with them to revolt, The Frontiers of the respective Colonies subject to his Majesty

Lib C. B. p. 252 must lye open and exposed to the Insults of the French and Savages

As a Union of Councils from the several Governments will be the most likely means of defeating the Designs of so barbarous an Enemy, and advancing the Common Cause of his Majestys Subjects upon the Continent, I doubt not, but you will think proper to communicate this Representation to your Council and Assembly, and recommend it to them to follow the like Example with this Gov^{t} that Commissioners may be appointed by you to answer such laudable Ends.

I am with Great Respect Sir
Your most obedient humble servant
G Clinton

It is the humble Advice of this Board to his Excellency that the present General Assembly of this Province meet at the City of Annapolis on the Day to which the Writts of Election are made returnable, and It is ordered that the Clerk of this Board write to the several Sheriffs requiring them to give Notice thereof to the several Members of Both Houses of Assembly in their respective Counties

Ordered that the hon̄ble Col̄ Charles Hammond Treasurer of the Western Shoar pay out of the Duty of 3^{d} ꝑ hh^{d} for Arms lodged by him in the hands of M^{r} Hyde Merchant in London to the Executors of M^{r} Richard Tootell or their Order the sum of twenty two pounds four shillings and Two pence sterling being for 6 mo 20 Days Salary to him the said Tootell as Armourer of this Province ending the 25th of September last.

11 March 1745

Ordered by his Excellency the Governor that the following Proclamation issue

Maryland ss

By his Excellency Thomas Bladen Esq^{r} Governor & Commander in Chief in and over the Province of Maryland.

p. 253 A Proclamation

Whereas the present General Assembly of this Province is this day appointed to be held at the City of Annapolis and whereas there is not a sufficient Number of Members of the Lower house come to Town in Order to make a house I have therefore thought fit with the Advice of his Lordships Council of State to prorogue the same And I do hereby prorogue the same to Wednesday the twelfth of this Instant March And to

the End that All Persons concerned may have due Notice thereof I do hereby strictly charge and require the Sheriff of the City of Annapolis to make this my Proclamation publick in his said City in the usual manner as He will answer the Contrary at his Peril Given at the City of Annapolis this 11th Day of March in the 31st year of his Lordships Dominion Annoq Domini 1745 Lib. C. B.

At a Council held in the Council Chamber on Thursday the 13th Day of March in the 31st year of his Lordships Dominion Annoq Dni 1745

Present

His Excellency Thomas Bladen Esqr Governor

The hoñble	Benjamin Tasker Esqr	Daniel Dulany Esqr
	Coł George Plater	Coł Edward Lloyd
	Edmund Jenings Esqr	Benjamin Young Esqr
	Col Cha. Hammond	Coł Benj. Tasker
	Philip Thomas Esqr	Richard Lee Esqr

His Excellency is pleased to acquaint this Board that he has received some Information of the Ill Behaviour of One Richard Molyneux a Roman Catholick Priest living in Charles County, and also of One Arnold Livers and Daniel Herne two Roman Catholicks in this Province

It is the Advice of this Board, that Philip Thomas Esqr Chief Justice of the Provincial Court be desired to send his Warrant for the said Richard Molyneux to appear immediately before this Board, and also that he send his Warrant for the said Arnold Livers and Daniel Herne to be brought before him in Order to be Examined, and that he send for such other Persons as he shall think necessary to be Examined as Witnesses relating to the Behaviour of the said Livers and Herne. p. 254

At a Council held in the Council Chamber on Friday the 21st Day of March in the 31st year of his Lordships Dominion Annoq Domini 1745

Present

His Excellency Thomas Bladen Esqr Governor

The hoñble	Benjamin Tasker Esqr	Philip Thomas Esqr
	Col George Plater	Daniel Dulany Esqr
	Edmund Jenings Esqr	Benjamin Young Esqr
	Col Charles Hammond	Col Benja Tasker
	Samuel Chamberlain	Richard Lee Esqr

Ordered that the Clerk of this Board send a Warrant directed to the Sheriff of Ann Arundel County to bring Richard

Lib. C. B. Molyneux before this Board immediately; which Warrant issued as follows.

Whereas Richard Molyneux a Romish Priest is represented to be a Person very ill affected to his Majestys Person and Government and to have behaved himself on many Occasions in a seditious Manner contrary to his due Allegiance

You are therefore hereby required to take into your Custody the Body of him the said Richard Molyneux and him safe keep so that you have him immediately before the Governor and Council to answer to such Things as shall be objected against him

Signed p Order
J Ross, Cl Conc.

The said Richard Molyneux in Custody of the Sheriff of Ann Arundel County accordingly attending, is called in, to whom his Excᶜʸ is pleased to speak as follows.

Mʳ Molyneux

It being the Duty of this Government as well as of All others to provide for the Safety and Peace of the Community,
p. 255 We have thought proper to send for you before Us to acquaint you We have received such Informations as, 'though not thought proper to be made publick at this Time, yet that they are such as for the present We judge it necessary to assure Ourselves as far as We are able of your particular Conduct by obliging you to give good security for your Behaviour, which I must tell you has been observed to have been remarkably unguarded ever since your Arrival in this Province, but which, from the time that it has been known, that an Unnatural Rebellion was broke out in England, has exceeded all the Bounds of Prudence and Decency, and has not preserved the least Appearance of any Respect for that Government, under which your self and those of your Communion have been treated with the Greatest Tenderness and Lenity

However altho' We are not unacquainted with several Facts relating to your Conduct which may affect you in a Manner that perhaps you little think of, yet It is hoped this present mild Treatment will have such an Effect upon your Conduct, and that of those of your Communion as not to make a more rigorous Execution of the Laws necessary; And I must recommend to you, as you are said to be the Superior of the Romish Priests in this Province to take all the Care in your Power, that No Liberties be taken by those of your Church either in Words or Actions which may tend to Dis-

loyalty towards his most sacred Majesty King George or to the Interruption of the Peace and Quiet of this Province Lib. C. B.

As Nothing can give greater Alarms to his Maj^{tys} well affected Subjects than frequent Meetings of People and Negroes under Pretence of divine Worship, I cannot discharge my Duty if I do not acquaint you It is expected your Religious Duties be complyed with (as they surely may) without such Concourse of People as may give Suspicion of something else being designed than a bare Exercise of Religion.

24th April 1746 p. 256

Ordered by His Excellency the Goveruor that the following Proclamation issue

Maryland ss.

By His Excellency Thomas Bladen Esq^{r} Governor & Commander in Chief in & over the Province of Maryland.

A Proclamation

Whereas a most wicked and unnatural Rebellion has been carryed on in Great Britain in favour of a Popish Pretender to his Majestys Crown and Kingdoms, And Whereas by the Blessing of Almighty God and his Majestys Endeavours the same is now happily defeated I have therefore thought fit with the Advice of his Lordships Council of State to publish and declare that Wednesday being the fourteenth of June next be appointed a Day of Publick Thanksgiving for the happy Period put to a Rebellion so wickedly begun and carryed on, and to joyn in Prayers to Almighty God to continue his Blessings to his Majesty's Royal Person and Family, And I do strictly charge and require the several Sheriffs of this Province to make this my Proclamation publick in their respective Counties, and also to give Notice to the Clergymen of the several Parishes in their said Counties of this my Proclamation that they may act conformably thereto as they will answer the Contrary at their Peril Given at the City of Annapolis this 24th Day of April in the 32^{d} year of his Lordships Dominion Annoq Domini 1746

At a Council held in the Council Chamber on Friday the 25th day of April in the 32^{d} year of his Lordships Dominion Annoq Domini 1746

Lib. C. B.

Present

His Excellency Thomas Bladen Esq^{r} Governor

The hon$\bar{b}$le { Benjamin Tasker Esq^{r}, Col George Plater, Col Charles Hammond, Philip Thomas Esq^{r} } { Daniel Dulany Esq^{r}, Benjamin Young Esq^{r}, Col. Benj. Tasker. }

p. 257 His Excellency is pleased to lay before this Board the following Instruction

Additional Orders and Instructions to Our Trusty and welbeloved Thomas Bladen Esq^{r} Our Lieutenant Governor of Our Province of Maryland

[Seal]

C Baltimore Having duely considered the Difficulty of a Revenue Bill I do strictly order and direct you, not to consent to any Bill or Bills, relating to my Revenue, 'till you have my further Orders or Direction and that you do summon a Council as soon as may be, and cause this my Instruction to be entered in the Council Book

C B.

Given under Our hand and Seal at Arms at London this 30th day of January in the 32^{d} year of Our Dominion Annoq Domini 1745/6

By his Lordships Command
Jn^{o} Browning Secretary

6 June 1746

Ordered by his Excellency the Governor that the following Proclamation Issue.

Maryland ss^{t}

By his Excellency Thomas Bladen Esq^{r} Governor and Commander in Chief in and over the Province of Maryland

T Bladen. A Proclamation

Whereas the present General Assembly of this Province stands prorogued to the first Tuesday in September next, And Whereas his Majestys Service makes the Meeting thereof before that time absolutely necessary I have therefore thought fit with the Advice of his Lordships Council of State to publish and declare that the said General Assembly meet and be held at the City of Annapolis on Tuesday the seventeenth of this Instant June And to the Intent that all Persons concerned

may have due Notice thereof I do strictly charge and require the several Sheriffs of this Province to make this my Proclamation Publick in their respective Counties in the usual manner and also to give Notice to the several Members of both Houses of Assembly as they will Answer the Contrary at their Peril Given at the City of Annapolis this 6th day of June in the thirty second year of his Lordships Dominion Annoq Domini 1746 Lib. C. B. p. 258

{ Great Seal } J Ross Cł Concl.

7 June 1746

Ordered by his Excellency the Governor that the following Proclamation Issue

Maryland ss.

By his Excellency Thomas Bladen Esqr Governor and Commander in Chief in and over the Province of Maryland

A Proclamation

Whereas his Grace the Duke of Newcastle one of his Majestys principal Secretaries of State, has signified to me his Majestys Royal Intention to employ Forces for the immediate Reduction of Canada; and also his Pleasure that I should forthwith make the necessary Dispositions for raising Men within this Government to be employed in Concert with his Majestys Regular Forces on that important Service; which Men to be raised in this Province, with others in some of the Neighbouring Colonies, are to be formed into one Crops and Commanded by the Honourable William Gooch Esqr Lieutenant Governor of Virginia, I have therefore thought fit to issue this my Proclamation, inviting and giving Notice to such of his Majestys Subjects as shall be willing to enter and enlist themselves into this his Majestys Service, that they may repair to the City of Annapolis where Mr John Ross will give due Attendance for this Purpose, And for the Encouragement of Persons inclining to engage in this Service, I am Authorized to assure them as well Officers as Soldiers that they shall immediately enter into his Majestys Pay; the Officers from the Time they shall engage in his Majestys Service and the Soldiers from the respective days on which they shall Inlist: And that they shall come in for a Share of any Booty to be taken from the Enemy, and sent Back to their respective Habitations when this Service shall be Over, unless any of them shall desire to settle else where p. 259

Lib. C. B. And as a further Inducement to the Inhabitants of this Prov^e to Inlist, I hereby make known to them, that I am authorized to appoint such Officers as are to command each Company; In Consequence whereof I shall endeavour to make the Command as agreable to the Men as the Nature of the Service will admit

And I do hereby Strictly Charge and require the several Sheriffs of this Province to make this my Proclamation Publick in their respective Counties in the usual manner, and also to affix Copies thereof in the most Publick Places of their said Counties as they will answer the Contrary at their Peril Given at the City of Annnpolis this 7^th day of June in the 32^d year of his Lordships Dominion Annoq Domini 1746

J Ross Cl. Concl.

At A Council held in the Council Chamber on Thursday the 12 day of June in the 32^d year of his Lordships Dominion Annoq Dom. 1746

Present

His Excellency Thomas Bladen Esq^r Governor

	Benjamin Tasker Esq^r	Philip Thomas Esq^r
	Edmund Jenings Esq^r	Col^o Edward Lloyd
The honble	Col^o James Hollyday	Benjamin Young Esq
	Col^o Charles Hammond	Col^o Benj^a Tasker
	Sam^l Chamberlain Esq^r	Richard Lee Esq^r

p. 260 His Excellency is pleased to lay before this Board the following Letter.

Whitehall April 9. 1746

Sir

I am commanded to acquaint you, that his Majesty has been pleased to Order five Batalions of his Troops under the Command of Lieutenant General St Clair, to go from hence, as soon as Possible, with a sufficient Convoy of Men of War, to Louisburg, in Order to be employed together with the Regiment of Major General Frampton which has been some time Ordered to Embark for Louisburg, and with the two Regiments sent thither from Gibralter, and also with such Troops as shall be Levied for that Purpose in North America for the immediate Reduction of Canada: And I am commanded by his Majesty to signify his Pleasure to you (as I do to the other Gov^rs of the said Colonies) that you should forthwith make the necessary Dispositions for raising as many Men as the Shortness of the Time will permit, within your Government to be employed in Concert with his Majestys regular Forces, on this Important Service. It is hoped that Lieutenant General St Clair will be

able to Sail from hence with the Troops under his Command, Lib. C. B.
the latter end of April or the beginning of May

It is the Kings Intention, that the Troops to be raised should p. 261
consist of Companies of One hundred Men Each; And that those that shall be raised in the several Provinces of New York, New Jersies, Pensilvania, Maryland and Virginia, be formed into One Corps, to be commanded by M^r^ Gooch, Lieutenant Governor of Virginia (whom the King has been pleased, on this Occasion to promote to the Rank of a Brigadier General) and that they should rendezvous at Albany within the Province of New York; or at such Other Place, as M^r^ Gooch shall think proper to appoint, in Order to proceed from thence by Land into the Southern Parts of Canada

The Troops to be raised in the Provinces of Massachusetts Bay, New Hampshire, Rhode Island and Connecticut, are to rendezvous at Louisburg, and to proceed, with the Forces sent from hence, under Convoy of his Majestys Fleet up the River of S^t^ Lawrence to Quebec.

In Consequence of these Dispositions His Majesty has ordered me to recommend it to you in the strongest manner to proceed immediately to raise as large a Body of Men, as the Shortness of the time will permit, within your Government, and you will appoint such Officers, as you shall think proper, to command them; for which purpose a Number of Blank Commissions will be sent you by the next Conveyance: And you will transmit to M^r^ Gooch a particular Account of what you shall be able to do herein; And you will follow such Directions, as you shall receive from M^r^ Gooch with Regard to the Place of Rendezvous, and Everything relating to the Proceedings of the said Troops

You will assure all Those, that shall engage in this service as well Officers as Soldiers, that they will immediately enter into his Maj^ties^ Pay The Officers from the Time they shall engage in his Majestys service and the Soldiers from the p. 262
respective Days on which they shall enlist; And that they shall come in for a Share of any Booty to be taken from the Enemy; and be sent back to their respective habitations, when this Service shall be over, unless any of them shall desire to settle elsewhere

As to the Article of Arms and Cloathing for the Men to be raised his Majesty has commanded me to recommend it to you, and the Other Govern^rs^ to take Care that the Soldiers may be provided with them. And his Majesty has authorized and empowered Lieutenant General S^t^ Clair to make a reasonable Allowance for defraying that Expence

You will recommend it to the Council and Assembly of

Lib. C. B. Maryland to provide a sufficient Quantity of Provisions for the Subsistance of the Troops

I am ordered by his Majesty to recommend it to you to make the strictest Enquiry for any Persons that may be acquainted with the Navigation of the River of S^{t} Laurence: And if you can find any such, you will engage them at any Rate, to serve as Pilots on board his Majestys Fleet and you will send them as soon as possible, to Louisburg, for that purpose

I am Sir

Your most Obed^{t} humble Servant

Holles Newcastle

Which being read His Excellency is pleased to acquaint this Board, that in Order to forward the said Expedition, he has issued his Proclamations for the Meeting of the Assembly on the seventeenth Day of this Instant June.

8th July 1746

Ordered by his Excellency the Governor that the following Certificate be Entered

Maryland ss.

By his Excellency Thomas Bladen Esq^{r} Governor & Commander in Chief in and over the Province of Maryland

p. 263 Whereas in Obedience to his Majestys Commands signified to me by his Grace the Duke of Newcastle Three Companies of Foot consisting of One hundred Men Each have been levyed and raised in this Province for His Majesty's service in the intended Expedition against Canada And Whereas One of the said Companies now under the Command of Daniel Campbell Esq^{r} as Captain thereof hath been Enlisted and Completely full on the 8th Day of July last past by the Care and Vigilance of the s^{d} Daniel Campbell together with Joseph Chew Gent^{n} Lieutenant & John M^{c}Cullogh Gent Ensign of the said Company; By Which means the said Daniel Campbell under my Promise and Encouragement for the making such Levies is Entituled to his Majestys Commission of a Captain to command the said Company; But forasmuch as It is thought necessary & expedient for his Majestys Service that the said Companies should depart from this Province forthwith and before the Blank Commissions from his Majesty can be received by me Therefore I Certify the above that as well the said Daniel Campbell may Claim and receive the said Commission of a Captain not only from me as soon as any blank Commis-

sions shall come to my hands for the Purposes afd But also from any other Person or Persons who are or shall be authorized by his Majesty to grant or deliver the same to the Officers of the Forces raised in this Province for the Expedition aforesaid In Testimony whereof I have caused the Great Seal of this Province to be hereto affixed this 13th Day of September Anno Domini 1746 Lib. C. B.

The like Certificates were given to Dudley Crofts Esqr as Captain Cornelius Brookesby Gent, Lieutenant and John Frazer Gent Ensign whose Company was compleat on 24th of July

The like Certificates given to John Jordan Esqr Captain, Benjamin Stoddart Gent Lieutent and Edward Bullock Gent Ensign whose Company was compleat on 25th of July.

13th July 1746 p. 264

Ordered by his Excellency the Governor that the following Proclamation issue

By his Excellency Thomas Bladen Esqr Governor and Commander in Chief in and over the Province of Maryland

A Proclamation

Whereas I have received certain Information that severa Jesuits and other Popish Priests and their Emissaries have presumed of late, especially since the Unnatural Rebellion broke out in Scotland to seduce and pervert several of his Majestys Protestant Subjects from their Religion and to alienate their Affections from his Majestys Royal Person and Government although such Practices are high Treason, not only in the Priests or their Emissaries who shall seduce and pervert but also in those who shall be seduced or perverted I have therefore thought fit with the Advice of his Lordps Council of State to issue this my Proclamation to charge all Jesuits and Other Popish Priests and their Emissaries to forbear such Traiterous Practices and to assure such of them as shall hereafter dare to offend that they shall be prosecuted according to Law, And All Magistrates within this Province are hereby strictly charged and required when and as often as they or any of them shall be informed or have Reason to suspect any Jesuit or Other Popish Priest or any of their Emissaries offending in the Premises to issue a Warrant or Warrants against such Offender or Offenders to take his or their Examinations and the Examinations or Depositions of

Lib. C. B. the Witnesses against them, and if need be to commit such Offender or Offenders to Prison until he or they shall be delivered by due Course of Law. And I do strictly charge and require the several Sheriffs of this Province to make this my Proclamation publick in their respective Counties in the usual Manner as they will answer the Contrary at their Peril Given at the City of Annapolis this 13th Day of July in the 32d year of his Lordships Dominion Annoq Domini 1746.

p. 265 At a Council held in the Council Chamber on the 13th Day of August in the 32d year of his Lordships Dominion Annoq Domini 1746.

Present

His Excellency Thomas Bladen Esqr Governor

The honble { Benjamin Tasker Esqr, Edmund Jenings Esqr, Col James Hollyday } Col Charles Hammond, Col Benja Tasker

The following Address being prepared is read and approved of.

To the Kings Most Excellent Majesty

The humble Address of the Governor and Council of the Province of Maryland

May it please Your Majesty

We your Majesty's most Dutiful and Loyal Subjects the Governor and Council of the Province of Maryland beg Leave to express Our unfeigned Joy at the just and much desired Success which has attended Your Majesty's Arms against those rebellious Disturbers of the Peace and Tranquility enjoyed under your Majesty's indulgent Government.

Not sooner Were We alarmed with that detestable Insurrection than we were comforted by the General Voice of the English Nation in Defence of your Majestys Person and Abhorrence of those traitorous Attempts; from Hence not only a Presage arose of the Glorious Event which affords Us this Occasion of approaching your Majesty, but also a sure Testimony was given how Dear your Majesty's Safety is in the hearts of Every Englishman who will distinguish between Liberty and Slavery.

Could any Addition be to Our Joy, It must be owing to the
p. 266 Conduct of his Royal Highness the Duke of Cumberland on that ever memorable Day of Culloden Battle, when the Great Contest was whether a Govern^{t} supported by the slavish Maxims of forced and abject Submission should take Place of

a Constitution founded on a Chearful and Voluntary Obedience, Then Great Sir, your own Royal Virtues shone forth in the Actions of your Son and at Once dispelled Our Fears of French shackles and secured to Us the Freedom of Englishmen Lib. C. B.

May Your Majestys Reign be long, very long over Us, and when It is no more, May the Throne of Great Britain ever be filled with One of Your Majestys Royall Blood to protect us from Popery and Arbitrary Power

T Bladen
Benj[a] Tasker Pres[t]

At a Council held in the Council Chamber on the 4[th] Day of September in the 32[d] year of his Lordships Dominion Annoq Domini 1746

Present

His Excellency Thomas Bladen Esq[r] Governor

The honourable { Benjamin Tasker Esq[r], Edmund Jenings Esq[r], Col[o] Charles Hammond } { Daniel Dulany Esq[r], Benjamin Young Esq[r], Col[o] Benjamin Tasker }

His Excellency is pleased to lay before this Board a Letter received by him from the honble George Clinton Esq[r] Governor of New York desiring that the Three Companies raised in this Province may be sent away as soon as possible; and also to acquaint this Board that several of the Agents appointed by Act of Assembly to receive the Bounty Money for the soldiers had refused the Payment thereof to the Officers who had Orders from the Men that were enlisted to receive the same, and which Bounty Money if not paid to the soldiers would greatly retard the sending them away.

It is the humble Advice of this Board that the following Letter be wrote to such of the Agents who have refused the Payment of the said Bounty Money p. 267

Sir

I have seen your Letter to Captain Daniel Campbell wherein you not only make a Difficulty of paying the Money in your hands appropriated for his Majestys Service, but have not thought fit even to send an Account of what Sums have been claimed from you as due from the Persons inlisted.

I am now to make known to you, that I am by Express from the Northward put under an indispensible Necessity of dispatching away immediately the Three Companies raised here; This I am unable at present to comply with for Want of

Lib. C. B. the Money in your hands, which I hope you'l transmit to me by the Bearer; Upon this Assurance that I now give you of bearing you harmless in the Payment, but at the same time you must by no means omit leting me know the particular Sums claimed against any Soldiers enlisted in your County

After This I am willing to suppose your Loyalty will get the better of your Scruples, and not give Occasion to bring that publickly into Question, if the Troops should mutiny, or any Delay or Detriment happen to his Majestys Service by your Behaviour

If you should still persist in keeping the Money, let me have a particular Account of the Debts claimed, and by whom, as well as the Soldiers Names from whom the same is due, that I may settle the Mens Accounts before their Embarkation

I am Sir
Your humble servant
T Bladen

The following Order was sent to M^{r} Robert Norrest Wright a Magistrate of Queen Anns County

p. 268 You are hereby Ordered to cause a Certain Abell Bell of Queen Anns County Planter, who is as It is alledged a Soldier enlisted by Barnett Colins a Serjeant in Captain Daniel Campbells Company now raised in this Province to be apprehended and delivered to the said Bernard Colins to be conveyed to Annapolis to the Company to which he belongs.

Ordered by his Excellency the Governor that the following Proclamation issue

By his Excellency Thomas Bladen Esq^{r} Governor & Commander in Chief in & over the Province of Maryland.

A Proclamation.

Whereas by an Act of Parliament made and passed in the 18th Year of his present Majestys Reign Entituled An Act for punishing Mutiny and Desertion, and for the better Payment of the Army & their Quarters, It is among other things Enacted and declared, that all Persons who shall enlist in his Majestys Service are exempted from any Arrests for Debts under Ten Pounds Sterling, but subjected in their Goods if they have any; and which said Act of Parliament by express Words extends to these his Majestys Plantations: To the End

therefore that publick Notice may be given of the same I have Lib. C. B.
thought fit with the Advice of his Lordships Council of State strictly to charge and require all Magistrates Officers and Others whom It may in any manner concern that they strictly conform to the Directions of the said Act as they will answer the Contrary at their Peril. Given at the City of Annapolis this 16th Day of July in the 32d year of his Ldps Domn Annoq Dni 1746.

At a Council held in the Council Chamber on the 9th Day of September in the thirty second Year of his Lordps Dominion Annoq Domini 1746.

Present

His Excellency Thomas Bladen Esqr Governor p. 269

The hoñble { Benjamin Tasker Esqr, Edmund Jenings Esqr, Coł Charles Hammond } { Daniel Dulany Esqr, Benjamin Young, Esqr, Coł Benjamin Tasker }

His Excellency is pleased to lay before this Board the following Deposition

On the third Day of September seventeen hundred forty and Six appeared before me the Subscriber One of the Right hoñble the Lord Proprietary his Justices of the Provincial Court Barnett Colins a Serjeant in Captain Daniel Campbells Company who being sworn on the holy Evangels of Almighty God deposeth and saith that having Permission from the said Captain Campbell to go into Queen Anns County & being desired by him to enlist such able bodyed freemen as should be willing to go on the present intended Expedition against Canada, He this Deponent did on 27th Day of August last enlist a Certain Abell Bell and that after his being so enlisted Joseph Sadler One of the Magistrates for Queen Anns County issued a Warrant against the sd Abell for a Quantity of Tobacco not exceeding 500 £wt that Thomas Cooper Constable specially appointed on that Occasion, by Virtue of the said Warrant took the said Abell Bell from this Deponent and carried him before Robert Norrest Wright another of the Magistrates of the said County who gave Judgment against the said Abell Bell for the Tobacco afd by which Means the said Abell has been, and still is detained from his Duty.

Sworn to before me
Robert Gordon

Lib. C. B. It is the Advice of this Board that the honble Benjamin Young Esqr issue his Warrant for the apprehending the said Abell Bell as a Deserter from his Majestys Service.

p. 270 At a Council held in the Council Chamber on Friday the 12th Day of September in the thirty second Year of his Lordships Dominion Annoq Domini 1746.

Present

His Excellency Thomas Biaden Esqr Governor

The honble { Benjamin Tasker Esqr, Col George Plater, Edmund Jenings Esqr, Col Charles Hammond } { Daniel Dulany Esqr, Benjamin Young Esqr, Col Benjamin Tasker }

His Excellency is pleased to lay before this Board the following Petition &c.

To His Excellency Thomas Bladen Esqr Governor of Maryland

The Petition of George Hardy

Humbly sheweth

That by Virtue of a Warrant from your Excellency to enlist Men in his Majestys Service on the intended Expedition against Canada, Your Petitioner and Captain John Jordan agreed to raise in Conjunction One Company of One hundred Men for the Service afd that your Petitioner did raise thirty Men for which Captain Jordan was willing to accept of him as his Lieutenant with Your Excellencys Approbation that the Company of Men were accordingly raised and reviewed by your Excellency, and Your Petitioner was nominated a Lieutenant under the said John Jordan; But so It is may it please your Excellency—whether out of Prejudice or what Other Motive unknown to your Petitioner, It has been represented to your Excellency that Your Petitioner was unworthy to serve in the Station of a Lieutenant in the Service, because he discharged Two Men which were not included in the Company raised and reviewed as afd (the Three Companies provided for by Act of Assembly being all Compleat above four Weeks before any Complaint made which shews the Malice)
p. 271 that Your Petitioner believes he could make appear that several Men have been discharged by the Other Officers if Enquirys were made in the same publick Manner which he does not desire. In tender Consideration whereof as your Petitioners Case is most deplorable he having converted his All he had in the World towards the raising the Men for the

Expedition af[d] and the Breaking of him will consequently be his Utter Ruin; He therefore humbly hopes your Excellency will give him a Rehearing, he being surprized, unprepared & unacquainted with the Nature of such Proceedings which rendered him uncapable of making little or no Defence 'till upon Reflection he hopes to satisfy your Excellency No Ill was intended Lib. C. B.

And your Petitioner as in Duty bound will pray

Sir

I desire you'd keep the Lockers out of the Way until We are gone, for there is a Provincial Warrant out from the Governor for them unknown to me before I discharged them, so acquaint them as soon as you can I am well at present and shall be down soon

I am S[r]

20[th] Aug[t] 1746. Yours to Command

Dont let It be known that I wrote Word to you & burn this Letter George Hardey

To M[r] Thomas Wilcoxon jun[r] Prince Georges County

Upon reading the said Petition and M[r] Hardys Letter to M[r] Wilcoxon, It is the Opinion of this Board that M[r] Hardy is a Person not worthy to receive a Commission from his Excellency or His Majesty on the intended Expedition, but at the same time desire his Excellency would be pleased to recommend to Captain Jordan to make him the said Hardy a reasonable Compensation for the Expences he has been at in enlisting Men for the service aforesaid

At a Council held in the Council Chamber on the 22[d] Day of October in the 32[d] year of his Lordships Dominion Annoq Domini 1746. p. 272

Present

His Excellency Thomas Bladen Esq[r] Governor.

The honble { Benjamin Tasker Esq[r], Col Hollyday, Col Hammond } { Samuel Chamberlain Esq[r], Col Edward Lloyd, Richard Lee Esq[r] }

His Excellency is pleased to lay before this Board a Letter he received from the honourable George Clinton Esq[r] Governor of New York desiring a Supply of Provisions may be sent from hence to Albany for the Use of the Forces raised in this Province; and desires their Opinion whether It may be proper to call the Assembly together in Order to lay the said

Lib. C. B. Letter before them, who are unanimously of Opinion that the Assembly ought to meet at the Day to which It stands prorogued being the 4th Day of November next, and It is Ordered that the Clerk of this Board write Letters to the several Sheriffs requiring them to give Notice to the several Members of both Houses of Assembly in their Counties acquainting them of the Time of their Meeting

At a Council held in the Council Chamber on Wednesday the third Day of December in the thirty second year of his Lordships Dominion Annoq Domini 1746.

Present

His Excellency Thomas Bladen Esqr

The hon̄ble { Benjamin Tasker Esqr, Edmund Jenings Esqr, Coł Charles Hammond } { Daniel Dulany Esqr, Coł Benjamin Tasker }

p. 273 His Excellency is pleased to lay before this Board the following Letter

Sir.

I am in my Duty when I tell you the Person you have appointed Sheriff of Baltimore County, has repeatedly cursed and damned the King for an Hanover Dog and a Turnep Man, and wished himself in the French or the Pretenders Army that he might drive that Hanover Dog home again; if with such Principles, that entitle him rather to be the Tenant than the Keeper of a Jayl, he is continued at the head of the County, I shall think it my Duty to tell the Secretary of State as much

Your very humble servant

Balt: C: Nov: 4. 1746 Thomas Chase

To his Excellency Thomas Bladen, Esqr

His Excellency informs this Board that He had wrote to Mr Chase acquainting him that He would have the Affair laid before the Council for their Consideration this Day, and that Mr Chase should then attend with what Evidences he had to make out the Charge contained in his Letter against Mr Richard, but if he could not attend; that He should have his Witnesses examined and sworn before a Magistrate in the Presence of Mr. Richard, and return their Depositions to His Excellency; Mr Chase not attending His Excellency is pleased to lay before this Board the following Depositions which were transmitted to him

Baltimore County ss. Lib. C. B.

The Deposition of John Metcalf of the af[d] County being sworn before me the subscriber One of his Lordships Justices of the Peace for the County af[d] deposeth and saith That He this Deponent about seven or Eight Weeks ago was at M[r] Bourdillons in Baltimore County at which time M[r] Chase was present, and that the said Chase said, well I think Richards is to be high Sheriff, and that in Case It was so, he believed he would not continue long as such, and called the said Richards several Rogues and Villians, and said that if the Governor did intrust him with such a Place, he was no better than the said Richards, and that It was a Shame to put such a fellow as Richards at the head of the County, and that p. 274
He was sure the Governor and M[r] Janssen was high Sheriff and was to have the Benefit and that Richards was only Deputy Sheriff under them or Words to that purpose and further saith not, Taken in the presence of the above said Richards & Chase this 29[th] of November 1746 before

W[m] Hammond

The Deposition of the Reverend M[r] Thomas Chase Rector of S[t] Pauls Parish in said County aged about thirty years being first sworn before me, One of his Lordships Justices of the Peace for the County af[d] deposeth and saith That He this Deponent did some months ago hear M[r] James Richard of the af[d] County curse and damn the Young Princesses for a Parcel of damned Bitches and Whores and especially Princess Amelia, who he said that Bitch went down to Bath to Kid; and further saith that he heard the said Richards damn the Duke of Cumberland for a Beefheaded Son of a Bitch and a Bull headed Dog; And further saith That He heard the said Richards say that He personally knew the Pretender & that by his God he was the cleverest fellow he ever saw in his Life, and as to his Conduct and Carriage He had as good as Ever a Man on Earth; This Deponent being asked by the said Richards, when and at what Place he heard him express himself as above, who answered as to the time he could not remember, but as to the Place It was at M[rs] Bourdillions & further saith not Taken in the Presence of the abovesaid Richards this 29[th] of November 1746 before

W[m] Hammond

The Deposition of M[r] Francis Jukes of Baltimore County aged twenty six years being sworn before me the Subscriber One of his Lordships Justices of the Peace for this County deposeth and saith That He this Deponent did hear a Certain William Paine say that M[r] Chase had wrote to the Governor

Lib. C. B. about what He the said Paine had told the said Chase in Relation to Mr James Richards cursing the King and Royal Family &c, This Deponent being asked if he heard the afd Richards curse the young Princesses, who answered, he did not, but that He heard the said Richards call the Duke of Cumberland a Bull headed something but what he could not remember and further saith not. Taken in psence of thesd Chase & Richards this 29th Day of November 1746 before

p. 275 Wm Hammond

The Deposition of John Perry aged fifty years being sworn before me the Subscriber One of his Lordships Justices of the Peace for the County afd deposeth and saith That about three Weeks ago a Certain William Paine came to the house of This Deponent at which time he was very drunk, & that the said Paine told him this Deponent that he heard James Richards drink the Pretenders health and Confusion to those that did not drink it and that he would throw the said Richards into Prison, and further saith not Taken in the Presence of the abovesaid Richards and Mr Chase this 29th of November 1746 before

Wm Hammond.

The Deposition of Sarah Perry aged 39 years being sworn &c deposeth and saith That about three Weeks ago a Certain William Paine came to her House much in Drink, and told her this Deponent that he would have James Richards in a Jayl, she asked him for what and that the said Paine told her this Deponent for Treason, for the said Richards had drunk the Pretenders health & farther saith not Taken in the presence of the abovesaid Richards and Mr Chase this 29th of November 1746 before

Wm Hammond

The Deposition of Hannah Hughs aged 48 years being sworn &c deposeth and saith That about three Weeks ago she this Dept was on board the Ship Lydia Captain Titfin at which time a Certain William Paine was on board the said Ship, and that she heard the said Paine say, that some Person had drunk Damnation to Either the King or the Pretender but which she could not remember, and to the best of her Remembrance the said Paine said It was Mr Chase that had drank it and further saith not Taken in the psence of the abovesaid Chase and Mr Richards this 29th of November 1746 before

Wm Hammond

The Deposition of Mrs Jane Bourdillon aged thirty years being sworn &c deposeth and saith that sometime the first of this Instant she heard Mr Thomas Chase call Mr James Richards Scoundrell and Rascall several times, and that by his God He would turn him out of his Office as high Sheriff, This Deponent being asked if ever she had heard Mr Richards to curse the Royal family at her house or Elsewhere, who answered she did not Taken in the Presence of the abovesaid Chase & Richards this 29th of November 1746 before
Wm Hammond

Lib. C. B.

The Deposition of William Payne aged about forty years who being summoned by the Reverend Thomas Chase to testify his Knowledge relating to some treasonable Words spoke by James Richards against his Sacred Majesty King George and Royal Family being sworn on the holy Evangels of Almighty God deposeth and saith That he to the best of his Knowledge never heard the said Richards at any time curse or damn his Majesty King George & say he was an Hanover Dog and a Turnip Man, nor never heard the said Richards say that he wished himself at the head of the French King or the Pretenders Army that He might drive the Hanover Son of a Bitch back to his own Country and he further says he never heard the said Richard drink the Pretenders health, and he further declares that after the said Chase had rec'd a Letter from the Governor and telling him the Contents of the same the said Chase asked the said Payne if he could swear to this on which the said Payne replyed that he remembered nothing of any such thing that he laid to Mr Richards Charge on which the said Chase said that I have heard you say several times that you could swear to the same, and this Depont replyed, if I did, I was drunk or mad, for I can remember nothing about It, on which the said Chase replyed, God if you don't I will swear against you, and get Other Evidence to do the same, and Richards will ruin you, And he further says that the said Chase came to this Deponents house after this Deponent had sworn before Coł Hammond that Mr Thomas Craddock had drank the Pretenders health, on which this Deponents Wife upbraided the said Chase for not swearing against Cradock as full as he had often expressed himself, for you know said she that I have often heard you repeat that He did, On which the said Chase said, Oh, shaking his head had It been that Rascall Richards I would have swore black enough against him, but you can't blame me to favour my poor Brother Cradock which the said Chase expressed several times, And This Deponent being asked by the reverend Thomas Chase whether he told the said Chase that Mr Richards had cursed the

p. 277

Lib. C B. King for a Hanover Son of a Bitch and Turnip man to which the said Payne answered he did not think proper to answer the same, On which the said Chase insisted that Payne should declare whether he had told him that Mr Richards cursed the King as afd and the said Payne still refusing to answer alledging that It was an improper Question and further said that he couldvery easily give an Answer but he would not. Taken in Presence of the Revd Thomas Chase and James Richards Esqr this first Day of December 1746 before

Cha Ridgeley

The Deposition of Mrs Elizabeth Payne aged about thirty one Years who being sworn on the holy Evangels of Almighty God who being asked by the Reverend Thomas Chase whether She ever heard Mr James Richards curse his Majesty King George, or say any disrespectful Words of his present Majesty or any of the Royal Family, who deposeth and saith on her Oath aforesaid that she never did

And the said Elizabeth Payne being asked by Mr James Richards whether She never heard Mr Chase tell her husband that if he did not swear to what he had alledged against Mr. Richards he would get the said Richards to prosecute him and turn Evidence against him, on which she answered she heard her Husband say so of Mr Chase but had never heard the said Chase say any such thing her self, And the said Elizabeth Payne being further asked by the said Richards that after Mr Chase had swore before Mr William Hammond relating to the Reverend Thomas Craddock's drinking the Pretenders health, She answered that sometime after the said Chase came to her house, on which this Deponent declares that she said to the said Chase that she was surprized that he swore so favourably relating to Mr. Craddocks Affair, for she told him that she had often heard the said Chase repeat that Mr Cradock had drunk the Pretenders health, On which he answered Oh, if It had been against that Rascall Richards I
p. 278 would have sworn black enough against him, but You can't blame me to favour my poor Brother Craddock, and she being further asked by the said Chase who was present when he said so, she answered that there was not any Body but her Husband and further saith not.

Taken in the Presence of the Reverend Thomas Chase and James Richards Esqr this 1st day of December 1746

Chas Ridgeley

The Deposition of Doctor William Lyon aged about Twenty Eight years who being sworn on the holy Evangels of Almighty God deposeth and saith He being asked by the

Reverend Thomas Chase whether he heard William Payne say that he had any Complaint to make against Mr Richards he answered that he did not hear Payne say any such thing and further saith not Taken in ꝑsence of the Revd Thomas Chase and James Richards Esqr this 1st of Decemr 1746 before Lib. C. B.

Chas Ridgeley

26 November 1746

Baltimore County ss.

We the Subscribers Inhabitants of Baltimore County and Town, and many of Us Members of a Club kept in said Town, having understood that an Information hath been made to this Government, that Mr James Richards high Sheriff of Our said County, and a Member of Our Club hath spoken Words reflecting on his present Majesty King George his Person and Government

We therefore in Justice to the Character of the sd James Richards do certify that He at all times and on all Occasions, when in Our Company expressed the Greatest Loyalty and Zeal for his present Majesty and the happy Establishment both in Church and State, and frequently declared his utter Abhorrence of the present unnatural Rebellion; and always was One of the most Active and forward in expressing his Joy, on making any Conquest or gaining any Victory over the French, the Pretender, or any of his Majestys Enemies, and particularly distinguished himself on the Days We celebrated the taking Cape Breton, The Victory obtained over the Rebells at Culloden, under his Royal Highness the Duke, and on his Majesty's late Birthday

And further We believe the said Information to be malicious spiteful and without Foundation

Darby Lux	Lyde Goodwin	Robt North	Thos Harrison
Wm Hammond	Wm Fell	Nicho. Rogers	T. Sheredine
Geo. Buchanan	Thos Franklyn	Wm Bond	Henry Morgan
Rd Croxall	Thos Sligh	T. Stansbury	Wm Titfin
Walter Tolley	Edwd Tulley	Wm Dallam	Sab: Sollers
Jas Slemaker	Thos Cradock	Thos Gough	Alexr Lawson
Edward Dogan	Charles Ridgely	Wm Payne	Wm Rogers
			Wm Lyon
			Jas Walker

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May It please your Excellency

When Mr Chase was before me giving in his Information he very grossly abused Mr Richards by calling him Traytor

Lib. C. B. Villain and several bad Names and seemed much prejudiced against him, from which I really believe all the Difference proceeds I am

Your Excellencys
Very humble servant
2d Decemr 1746. Wm Hammond

Lyde Goodwin of Baltimore County Merchant being a Person of full Age and worthy of good Credit and being duely and solemnly sworn on the holy Evangels of Almighty God deposeth and saith That sometime about the Begining of the Week before last He this Deponent was at Baltimore Town in Company with Coł William Hammond & the Revd Thomas Chase of Baltimore County and that in Conversation with those Gentlemen among Other things he heard the said William Hammond ask the said Thomas Chase what he had to say or alledge against Mr James Richards of the said County, in Answer to which the afd Thomas Chase said that He had nothing to say against him, for that all the Information he had against him was from Mr Paín

Lyde Goodwin

Sworn to before me this 3d Day
of December 1746.
Wm Rogers

This Board having taken into Consideration the above Depositions and Testimonial subscribed by several of the Principal Inhabitants of Baltimore County in favour of the afd Richards are of Opinion that the facts charged upon him in Mr Chases Letter to the Governor are not supported by any Proof and appear to them to be groundless and malicious

p. 280 At a Council held in the Council Chamber on the 17th Day of february in the thirty second year of his Ldps Dominion Annoq Domini 1746

Present

His Excellency Thomas Bladen Esqr Governor

Benjamin Tasker Esqr	Daniel Dulany Esqr
Coł George Plater	Coł Benjamin Tasker
Edmund Jenings Esqr	Richard Lee Esqr
Coł Charles Hammond	

Ordered by his Excellency the Governor with the Advice of this Board that the present General Assembly which stands prorogued to the last Tuesday of March next be further prorogued to the Third Tuesday in May next being the 15th Day of the same Month and Proclamation issued accordingly

Maryland ss. Lib. C. B.

By his Excellency Thomas Bladen Esq[r] Governor & Commander in Chief in & over the Province of Maryland

A Proclamation

Whereas the Paper Currency Office in the City of Annapolis was attempted to be broke open on Wednesday Night the 25[th] of this Instant february in Order therefore that a Discovery may be made of the Persons committing the said Offence and that such Offenders may be brought to Justice for the same I do by this my Proclamation publish and declare that if any Persons concerned in the said Attempt will discover his her or their Accomplices so that such Person or Persons may be convicted thereof, the Person making such Discovery shall have his Lordps Pardon for the same, and also a Reward of Thirty Pounds to be paid him or her so discovering any of his her or their Accomplices upon their being convicted for the same And I do hereby strictly charge and require the Sheriff of the City of Annapolis to make this my Proclamation publick in the said City as he will Answer the Contrary at his Peril Given at the City of Annapolis this 28[th] day of February Anno Domini 1746.

PROCEEDINGS

OF THE

COUNCIL OF MARYLAND.

CHARLES CALVERT, LORD BALTIMORE,
Proprietary.

SAMUEL OGLE,
Governor.

1746–1751.

Maryland ss. Lib. C. B. p. 281

Be it remembered that on the sixteenth Day of March in the twentieth Year of the Reign of Our Sovereign Lord George the second by the Grace of God of Great Britain France and Ireland King Defender of the Faith &c and in the thirty second Year of the Dominion of the Right honourable Charles Lord Baron of Baltimore Absolute Lord and Proprietary of the Provinces of Maryland and Avalon &c Annoq Domini 1746 At the Council Chamber in the City of Annapolis appeared the honourable Samuel Ogle Esq^{r} and, in the presence of the honourable Benjamin Tasker Esq^{r} Edmund Jenings Esq^{r} Col Charles Hammond Daniel Dulany Esq^{r} and Col Benjamin Tasker Members of his Lordships Council produced his said Lordships Commission bearing Date at London the third Day of October Anno Domini 1746 constituting and appointing him the said Samuel Ogle Esq^{r} Lieutenant Gen^{l} and Chief Governor of the Provinces of Maryland and Avalon in America and also Commander in Chief both by Sea and Land of all the forces raised or to be raised in the said Provinces which being published and read is ordered to be recorded in the Secretarys Office

His Excellency the Governor then took the several Oaths appointed to be taken by Act of Assembly of this Province as also the Oath following

I Samuel Ogle do swear that I will be true and faithful to the Right honourable Charles Lord Baron of Baltimore the true and absolute Lord and Proprietary of this Province of p. 282 Maryland and his Heirs and him and them his and their Rights Royal Jurisdictions and Seigniories all and Every of them into and over this his Province of Maryland, the Islands and Territories thereto belonging I will at all times defend and maintain to the utmost of my Power, and will never accept any Place Office or Employment within the said Province any ways concerning or relating to the Government thereof from any Person or Authority but by from or under a Lawful Authority derived or to be derived from his said Lordship his heirs or Assigns; I will faithfully serve his said Lordship as his Governor or Commander in Chief of the said Province and in all other Offices committed to my Charge by his said Lordships Commission or Commissions to me, and will willingly yield up the said Commission or Commissions again and all Offices Powers and Authorities granted or to be

Lib. C. B. granted by them or any of them, into the Hands of his said Lordship his Heirs or Assigns or to such Person or Persons as he or they shall appoint whensoever he or they shall appoint me so to do, and shall signify the same unto me; and will not presume to put in Execution or attempt to execute any Office Power or Authority granted unto me by any of the said Commissions after that his said Lordship or his Heirs or Assigns Lords and Proprietaries of the said Province shall repeal them or any of them respectively and that the said Repeals be published in this Province: I will do equal Right to the Poor and to the Rich within this Province to the best of my Skill Judgment and Power according to the Laws and Ordinances of the said Province and in Default thereof according to my Conscience and best Discretion, and to the Power granted or to be granted unto me by his said Lordships Commission or Commissions: I will not for fear favour or Affection or any other Cause hinder or delay Justice to any, but will truly execute the said Office and Offices respectively according to his said Lordships Commission to me in that behalf and to the true Intent and Meaning thereof and not otherwise to the best of my Understanding and Judgment: I will not know of any Attempt against his said Lordships Person or his Right or Dominion into or over the said Province or
p. 283 the People therein, but I will prevent resist or oppose it to the utmost of my Power and make the same known with all convenient speed to his said Lordship and I will in all things from time to time as Occasion shall require faithfully council and advise his said Lordship according to my Heart and Conscience

So help me God

His Excellency the Governor took also the following oath

I Samuel Ogle Governor of his Lordships Province of Maryland do solemnly swear that I will do my utmost that Every the Clauses Matters and things contained in the following Acts of Parliament of his Majesty's kingdom of Great Britain Viz. An Act Entituled An Act for the Encouraging and Encreasing of Shipping and Navigation made in the Twelfth Year of the Reign of King Charles the second; The Act for preventing Frauds and regulating Abuses in his Majestys Customs made in the fourteenth year of the said Kings Reign; The Act for the Encouragement of Trade made in the fifteenth Year of the said Kings Reign; The Act to prevent the Planting of Tobacco in England and for regulating the Plantation Trade made in the twenty second and twenty third years of the said Kings Reign, and continued by a

Clause in the Act against clandestine runing of Goods and Lib. C. B.
for the more effectual preventing of Frauds relating to the
Customs made in the fifth Year of the Reign of King George
the first; The Act for the Encouragement of the Greenland
and Eastland Trades and for the better securing the Planta-
tion Trade made in the twenty fifth Year of the said King
Charles Reign; The Act for regulating Frauds and prevent-
ing Abuses in the Plantation Trade made in the Seventh and
Eighth Years of the Reign of King William the third; The p. 284
Act for Encouraging the Importation of Naval Stores from
her Majtys Plantations in America made in the third and fourth
years of the Reign of her late Majesty Queen Ann so far
forth as It is continued and explained by an Act giving further
Encouragement for the Importation of Naval Stores &c^a made
in the Eighth Year of the Reign of King George the first;
The Act to permit the Exportation of Irish Linen Cloth to the
Plantations &c^a made also in the third and fourth years of the
same Queens Reign, and continued and explained by an Act
passed in the third year of the Reign of King George the first
for continuing the Liberty of exporting Irish Linen Cloth to
the British Plantations in America Duty free &c. The Act
for an Union of the Two Kingdoms of England and Scotland
made in the fifth year of the same Queens Reign in which are
certain Articles relating to the Plantation Trade more particu-
larly the fourth fifth and sixth; The Act for ascertaining the
Rates of foreign Coins in her Majestys Plantations in America
made in the sixth year of the same Queens Reign; The Act
for the Encouragement of the Trade to America passed in the
same Year of the said Queens Reign; The Act for continuing
several Impositions Additional Impositions and Duties upon
Goods imported &c. and to limit a Time for Prosecution upon
certain Bonds given by Merchants (called in the Act Planta-
tion Bonds) made in the Eighth Year of the same Queens
Reign; The Act against clandestine Runing of uncustomed
Goods, and for the more effectual preventing of Frauds relat-
ing to the Customs made in the fifth year of his late Majesty's
Reign; And the Act giving further Encouragement for the
Importation of Naval Stores and for Other Purposes therein
mentioned made in the Eighth Year of his late Majesty's
Reign; And also the Act for the more effectual suppressing
of Pyracy made in the same year of his late Majesty's Reign;
now in force relating to this Province, and in All other Acts
of Parliament now in force, or that hereafter shall be made p. 285
relating to his Majestys Colonies or Plantations, shall be punc-
tually and bona fide observed according to the true Intent
and Meaning of the same Acts of Parliament

So help me God

Lib. C. B. The honourable Thomas Bladen Esq^{r} delivers to his Excell^{y} the Great Seal of this Province, and thereupon his Excellency the Gov^{r} takes the Oath of Chancellor in the following Words

I Samuel Ogle do swear that as Chancellor and Keeper of the Great Seal of this Province I will well and truely serve his Lordship the Right honourable the Lord Proprietary of this Province and do equal Right to All his Majestys Subjects to the best of my Understanding skill and Knowledge, I shall not debar or hinder the Prosecution of Justice nor take any Gift Bribe Reward or Fee for the delaying thereof but will behave myself justly and truly & hear act judge decree and determine all Matters that shall regularly come before me for Determination according to Equity and Good Conscience, according to the Duty of my said Office & according to the best of my Knowledge during my Continuance in the said Office or until I shall be by Lawful Authority discharged therefrom

So help me God

All Which said Oaths were administred to his Excellency by the Members of his Lordships honourable Council now present

After taking the several Oaths af^{d} his Excellency subscribed the Oath of Abjuration and Test according to the Directions of the Act of Assembly aforesaid

Advised Resolved and Ordered that a Proclamation be forthwith issued for the Publication of his Excellency the Governors Commission and directing all Officers Civil and Military to continue in the Execution and Discharge of their
p. 286 several Offices until His Excellencys Pleasure shall be further known and signifyed therein, which Proclama^{n} being prepared is as follows Viz.

By His Excellency Samuel Ogle Esq^{r} Governor & Comm^{d} in Chief in and over the Province of Maryland.

A Proclamation

Whereas Charles Absolute Lord and Proprietary of the Provinces of Maryland & Avalon Lord Baron of Baltimore by his Commission under his Great Seal at Arms bearing date at London the third Day of October Anno Domini 1746 has with the Approbation of his most sacred Majesty been pleased to constitute me the said Samuel Ogle Governor and Commander in Chief in and over this his Lordships Province of Maryland which Commission was this Day published in the

Presence and hearing of the Members of his Lordships hon- Lib. C. B.
ourable Council and Others the Kings Subjects his Lordships Tenants in this Province at the City of Annapolis I have therefore by and with the Advice of his Lordships Council of State thought fit to issue this my Proclamation notifying the same to All Sheriffs Magistrates and Others his Lordships Officers in this Province And I do further will and direct that All Officers both Civil and Military execute and discharge the several Trusts & Duties in them reposed and enjoyned by the present respective Commissions to them granted until such time as my further Pleasure & Directions shall be signifyed therein Given at the City of Annapolis this 16th Day of March in the Twentieth year of the Reign of Our Sovereign Lord George the second of Great Britain &c King and in the thirty second year of his Lordships Dominion Annoq Domini 1746

J Ross Cł Concł

His Excellency is pleased to lay before this Board the following Instruction.

An Instruction to Our Trusty and Welbeloved Samuel p. 287
Ogle Esqr Our Lieutenant Governor of Our Province of Maryland

You are to desire Thomas Bladen Esqr Our late Governor to deliver up all such Instructions as He has had from me from time to time, and all Others that were transmitted from you to him, and to conform your self to the same

Given under Our hand and Lesser Seal at Arms at London this fourth day of October in the thirty second Year of Our Dominion over the said Province of Maryland Anno Domini 1746

By his Lordships Command C. B.
Jno Browning, Secretary

28th of March 1747

Ordered by his Excellency the Governor that the following Proclamation issue

By His Excellency Samuel Ogle Esqr Governor & Commander in Chief in & over the Province of Maryland

A Proclamation

Whereas the Council Chamber in the City of Annapolis was on Thursday Night last being the 26th of this Instant March broke open and several Guns belonging to the Prov-

Lib. C. B. ince taken out of the same In Order that a Discovery may be made of the said Offender or Offenders and that They may be brought to Justice, I have thought fit with the Advice of his Lordships Council of State to issue this my Proclamation hereby giving Notice that if any Person concerned in the said Fact will discover his or their Accomplices, so as the Offender or Offenders may be brought to Justice for the same, the Person making such Discovery shall receive his Lordships most Gracious Pardon, and also a Reward of Forty Pounds
p. 288 Currency upon the Conviction of such Offender Given at the City of Annapolis this 28th day of March in the 32d year of his Lordships Dominion Annoq Domini 1747.

At a Council held in the Council Chamber on Thursday the 16th Day of April in the 33d year of his Lordships Dominion Annoq Domini 1747

Present

His Excellency Samuel Ogle Esqr Governor

The honble	Benjamin Tasker Esqr	Philip Thomas Esqr
	Col George Plater	Daniel Dulany Esqr
	Coł James Hollyday	Benjamin Young Esqr
	Coł Charles Hammond	Coł Benjamin Tasker
	Samuel Chamberlain Esqr	Richard Lee Esqr
	Col Edward Lloyd	

His Excellency is pleased to acquaint this Board that the present General Assembly is by Prorogation appointed to meet on the 15th Day of May next, and desires their Advice whether that is a proper Time for their Meeting, who unanimously are of Opinion that the said 15th Day of May is the most convenient Time for such Meeting

His Excellency having communicated to this Board a Copy of the Record transmitted him from Prince Georges County Court of the Conviction of a Certain Negro Ishmael and Negro Benjamin at March County Court last for Horse stealing, It is the humble Advice of this Board to his Excellency that He be pleased to pardon the aforesaid Negroes, which Pardons issued accordingly

The following Order was directed to be drawn on Mr Richd Young Surviving Execr of Coł Samuel Young late Treasurer of the Western Shoar of this Province

Sir

You are hereby required to pay unto the honble Coł Charles Hammond Treasurer of the Western Shoar the Sum of 34: 13: 7¾ Gold Currency and Eighteen Shillings Sterling being

the Ballance of the Account of Three Pence p hhd for Arms rendered by Col Samuel Young late Treasurer of the Western Shoar of this Province Lib. C. B. p. 289

At a Council held in the Council Chamber on Tuesday the 21st Day of April in the 33d year of his Lordships Dominion Annoq Dom. 1747

Present

His Excellency Samuel Ogle Esqr Governor

The hon̄ble { Benjamin Tasker Esqr, Coł George Plater, Coł James Hollyday, Coł Edward Lloyd, Daniel Dulany Esqr, Benjamin Young Esqr, Coł Benjamin Tasker }

Upon reading and considering the Report of the Committee of Both Houses of Assembly of the 3d of July 1746 appointed to inspect the Accounts and Proceedings of the Commissioners of the Paper Currency Office, and It appearing to this Board by the said Report that several of the late Sheriffs of this Province have not paid the Ballances due from them upon Account of the Ordinary Licenses and Publick Assesment It is therefore ordered that the Attorney General put in Suit the Bonds of the several Sheriffs following for the several Sums that appear by the said Report to be respectively due from them on Account of Ordinary Licenses or the Publick Assesment, unless any of the said Sheriffs since making the said Report have paid their Ballances into the Office of the Commrs or Trustees for Emitting Bills of Credit Viz. Walter Hanson late Sheriff of Charles County; Richard Tarvin late Sheriff of Charles; George Tarvin late Sheriff of Ditto; John Cartwright late Sheriff of St Marys; William Cartwright late Sheriff of Ditto; John Parran late Sheriff of Calvert; Simon Wilmer late Sheriff of Kent; James Rigby late Sheriff of Baltimore; John Risteau late Sheriff of Ditto; Jn° Thompson late Sheriff of Cecil and James Martin late Sheriff of Worcester County, and It is likewise Ordered that the Attorney General put in Suit or cause to be put in suit the Recognizance of All such Persons in the several Counties as have taken out Ordinary Licenses and have not paid the Fines due for the same. p. 290

At a Council held in the Council Chamber on Thursday the 30th Day of April in the 33d year of his Lordships Dominion Annoq Domini 1747

Lib. C. B.

Present

His Excellency Samuel Ogle Esq^{r} Governor

The hon$\bar{b}$ble { Benjamin Tasker Esq^{r}, Col^{l} George Plater, Daniel Dulany Esq^{r} } { Benjamin Young Esq^{r}, Col^{l} Benjamin Tasker }

His Excellency having communicated to this Board a Report made to him by the Justices of the Provincial Court of their having passed Sentence of Death this April Term on a Certain Thomas Lamb a Servant to D^{r} Andrew Scott of Prince Georges County for the murder of a mulatto Slave called Nacey, and that It appeared to the said Court to be a murder of a very barbarous Nature, without any Provocation being given by the unhappy Slave who lost his Life; It is the humble Advice of this Board to his Excellency that he be pleased to order a Warrant to issue for the Execution of the said Thomas Lamb on Wednesday the 13th of May next on the North side of Rock Creek on the Top of a Hill near Holmeads Mill

At a Council held in the Council Chamber on Saturday the 30th Day of May in the 33^{d} year of his Lordships Dominion Annoq Domini 1747.

Present

His Excellency Samuel Ogle Esq^{r} Governor

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The honble { Benjamin Tasker Esq^{r}, Col^{l} George Plater, Edmund Jenings Esq^{r}, Col^{l} James Hollyday, Col^{l} Charles Hammond } { Samuel Chamberlain Esq^{r}, Daniel Dulany Esq^{r}, Col^{l} Edward Lloyd, Benjamin Young Esq^{r}, Col^{l} Benjamin Tasker. }

Ordered that the following Proclamation issue

Maryland ss.

By his Excellency Samuel Ogle Esq^{r} Governor & Commander in Chief in & over the Province of Maryland

A Proclamation

Whereas Complaint has been made to this Board by several of the Locust Neck Indians that Sundry Persons Residents of Dorchester County encroach upon their Lands as Settled by Act of Assembly; And Whereas a Proclamation issued on the 15th Day of October 1742 requiring All Persons to comply with the particulars therein mentioned, which Proclamation has not had the desired Effect I have therefore thought fit by

and with the Advice of his Lordships Council of State, to issue Lib. C. B.
this my Proclamation hereby requiring All Officers Civil and Military, and All Other Persons whatsoever to use their Utmost Endeavours to have the Articles of Peace at present subsisting with the Indians Complyed with and that they take particular Care that they be not obstructed in their hunting fishing or making Traps for Wild Beasts & Vermin so long as the said Indians shall behave peaceably And I do hereby strictly charge and require the Sheriff of Dorchester County to make this my Proclamation publick in his said County in the Usual manner as he will answer the Contrary at his Peril Given at the City of Annapolis this 30th day of May in the 33d year of his Lordships Dominion Annoq Domini 1747

Ordered that the honourable Samuel Chamberlain Esqr Messrs Robert Lloyd James Tilghman and William Thomas of Talbot County Gentn or any Three or Two of them enquire into the Complaints made to this Board by the Choptank Indians of some Persons making Encroachments within the p. 292
Bounds of their Lands as settled by Act of Assembly, and also that they enquire into the Grounds of any other Complaint made by the said Indians, and that they make Report thereof to this Board; And It is likewise Ordered that for the future the honble Col Edward Lloyd hear any Complaint made by the said Choptank Indians and give them such Redress, that they may live quietly and peaceably upon the Lands assigned them.

At a Council held in the Council Chamber on Monday the first Day of June in the 33d year of his Lorships Dominion Annoq Dni 1747

Present

His Excellency Samuel Ogle Esqr Governor

The honble	Benjamin Tasker Esq	Col Edward Lloyd
	Edmund Jenings Esqr	Philip Thomas Esqr
	Col James Hollyday	Daniel Dulany Esqr
	Col Charles Hammond	Benjamin Young Esqr
	Saml Chamberlain Esqr	Col Benjamin Tasker

The honble Col Hammond having delivered up to this Board their former Order of 24th of february 1745 on Mr Samuel Hyde Merchant in London payable to the Executors of Mr Richard Tootell for the sum of £22:04:2 sterling being so much due to him the said Tootell for his Salary as Armourer, and which said Order being cancelled; It is by this Board ordered that the said Col Hammond as Treasurer of

Lib. C. B. the Western Shoar pay out of the Ballance of the Account of Samuel Young Esq^{r} of 3^{d} [p hhd] for Arms received by him the said Hammond from M^{r} Richard Young the surviving Executor of the afores^{d} Samuel, to the Executors of the said Tootell the sum of £31 : 01 : 9 Gold Currency which Sum is in full of £22 : 04 : 2 Ster^{l} being the Salary due to the said Tootell as Armourer ending the 22^{d} of September 1745

p. 293 At a Council held in the Council Chamber on Thursday the 4th Day of June in the 33^{d} year of his Lordships Dominion Annoq Dom. 1747

Present

His Excellency Samuel Ogle Esq^{r} Governor

The honble { Benjamin Tasker Esq^{r} | Col Edward Lloyd
Col George Plater | Daniel Dulany Esq^{r}
Edmund Jenings Esq^{r} | Benjamin Young Esq^{r}
Col Hollyday | Col Benjamin Tasker
Col Charles Hammond | Richard Lee Esq^{r}
Samuel Chamberlain Esq^{r} }

Ordered that the following Letters be wrote by the Clerk of this Board to M^{r} Samuel Hyde & M^{r} William Hunt Merchants in London

Sir

We have directed M^{r} John Ross Clerk of the Council to draw an Order on you payable to M^{r} Hunt for £221 : 6 : 8 Sterling being the Ballance of Col Hammonds Account with you of the 3^{d} p hh^{d} for Arms as Treasurer of the Western Shoar as p your Account dated 31st March 1746 appears; Also One other Order on you payable to M^{r} Hunt for £34 : 08 : 8 Sterling being the Ballance of M^{r} Ungles Account of 3^{d} p hh^{d} for Arms as appears by your Acc^{t} Current sent Samuel Chamberlain Esq^{r} likewise One Order on you payable to M^{r} Hunt for £50 : 00 : 2 Sterling being the Ballance of Col Youngs Account with you of 3^{d} p hh^{d} for Arms as late Treasurer of the Western Shoar ; and also One Order on you payable to M^{r} Hunt for £157 : 18 : 8 Ster^{l} being the Ballance of the Account for purchasing Horse Arms and Ammunition as p your Account dated 30th Decemb^{r} 1738 appears, which Sums amount in the whole to £463 : 14 : 2 And as He has accordingly drawn on you for the said Sums, We desire you will pay the same & charge the several Accounts therewith

We are Sir &c Sam^{l} Ogle Benj^{a} Tasker &c

To M^{r} Sam^{l} Hyde Merch^{t} in London.

Sir

Lib. C. B. p. 294

By Order of the Governor and Council I transmit to you the several Draughts enclosed on M^r^ Hyde amounting to £463 : 14 : 2 Sterling, which when paid or such Parts thereof as M^r^ Hyde shall pay, you are desired to credit the Province of Maryland therewith in Account of the 3^d^ ℔ hh^d^ for purchasing Arms and Ammunition Subject to the Draught I am now directed to make on you for the Sum of Sixty Pounds Sterling payable to M^r^ John Raitt for 1^yr^ 6 mo Salary as Armourer of this Province and which you are desired to pay provided M^r^ Hyde pays you upon the Account aforementioned, as much as will satisfy the said Sum of Sixty Pounds, and the Remainder to be subject to the Draughts of the Treasurer of the Western Shoar; and you are desired as soon as you conveniently can to render an Account of the same to

yours &c John Ross

To M^r^ William Hunt Merchant in London.

The following Order payable to M^r^ John Raitt for Sixty Pounds Sterling being for 1^yr^ 6 mo Salary as Armourer of this Province ending 26^th^ of March 1747 was ordered to be drawn on M^r^ William Hunt Merchant in London.

Sir

You are hereby desired to pay to M^r^ John Raitt or Order this my first Order, my second third & fourth of the same Tenor and date unpaid the Sum of Sixty Pounds Sterling being so much due to him for 18 Months Salary as Armourer of this Province ending 26^th^ of March last out of the several Ballances of 3^d^ ℔ hh^d^ for Arms to be paid you by M^r^ Hyde provided he the said Hyde pays as much as will satisfy the above Sum.

At a Council held in the Council Chamber on Thursday the 30^th^ day of July in the 33^d^ year of his Lordships Dominion Annoq Domini 1747

Present

His Excellency Samuel Ogle Esq^r^ Governor

The honble	Benjamin Tasker Esq^r^	Philip Thomas Esq^r^
	Edmund Jenings Esq^r^	Daniel Dulany Esq^r^
	Col Charles Hammond	Col Benjamin Tasker

His Excellency is pleased to lay before this Board the following Letter

Lib. C. B. Boston June 29th 1747

Sir

This will inform your Honour, that this Governmt taking into Consideration the great danger which all his Majesty's Colonies in North America are in (as well as their own particular danger) of being in time destroyed by the French and the Indians under their Influence, without a firm Union between themselves for their mutual Defence, and for weakening and destroying the Power of the Enemy, and more Especially for driving the French from the Borders of the Province of New York and this Province, have appointed Commissioners to meet in a Congress to be held at New York on the second Day of September next with such Commissioners as may be appointed by all his Majesty's Governments from New Hampshire to Virginia inclusively, them & there to treat and agree upon Measures for encouraging the Indians of the Six Nations vigorously to prosecute their Incursions on the Enemy, as also to agree upon the Method and Proportion of raising Men and Money for carrying on the War both offensively, & defensively, & to project and Settle such Enterprizes and Plans of Operation as the common Interest shall require.

Your Honour will, I doubt not, duly consider the great Importance of this Matter, and represent it in the strongest Light to your Assembly, that they may see not only how deeply his Majtys Interest in general is concerned, but that their own particular Safety will be soon much affected by the growing Power of the French and more especially the Hazard there is that they will bring the Six Nations into their Interest, in Case they are not forthwith most vigorously and effectually
p. 296 supported by the English, without which It will be but a very little while before the Southern as well as the Northern Colonies will be exposed to their Fury; & therefore I would recommend it to the several Governments separately to make Provision without delay for the Encouragement of the Six Nations 'till the Congress can be held; This Government having already advanced many large Sums of Money, and still continuing to raise more for this Service; Your Honour will be pleased to give me seasonable Advice of the Resolution of your Government on this most important Affair

I am Sir

Your Honours most Obedient

and most humble servant

W Shirly

Which being read It is the humble Advice of this Board to his Excellency that He be pleased to send the following Answer thereto.

Annapolis 30th July 1747 Lib. C. B.

Sir

Your favour of the 29th of last Month which I received a few Days ago, was this Day laid before the Council, and although We are truely sensible of the Importance of the Friendship of the Six Nations at this Juncture, yet there being no Fund from which This Government can make any Advance of Money for this Purpose, It is entirely impracticable for Us to answer your Expectation by Our Authority only; And as you have before this time seen by the Address made to me by the Lower house of Assembly in Answer to my Message on the subject of your former Letter; how vain It would be to call an Assembly at present, I can only express my Concern, that it is not in my Power to contribute to this necessary Business otherwise than by assuring you I shall not omit any Opportunity which I can think may be favourable for promoting his Majestys Service and Our Common Welfare

I am Sir

To His Excy William Shirly Esqr Governor of New England.

Your most Obedient and most humble Servant

Sam: Ogle

At a Council held in the Council Chamber on Monday the 17th Day of August in the 33d year of his Lordps Dominion Annoq Domini 1747 p. 297

Present

His Excellency Samuel Ogle Esqr Governor

The honble { Benjamin Tasker Esqr, Daniel Dulany Esqr, Col Charles Hammond, Col Benjamin Tasker }

Several Sheriffs Bonds being laid before this Board for Approbation of their Securities, the same were accordingly approved of except Henry Morgan's as Sheriff of Baltimore County

At a Council held in the Council Chamber on Wednesday the 16th Day of September in the 33d year of his Ldps Dominion Annoq Dni 1747

Present

His Excellency Samuel Ogle Esqr Governor

The honourable { Benjamin Tasker Esqr, Edmund Jenings Esqr, Col Charles Hammond }

Lib. C. B. Ordered by his Excellency the Governor with the Advice of this Board that the following Proclamations issue to the several Counties of this Province

Maryland ss.

By his Excellency Samuel Ogle Esq[r] Governor & Commander in Chief in & over the Province of Maryl[d]

A Proclamation

Whereas It has been signifyed to me by his Grace the Duke of Newcastle that his Majesty had thought fit to order a Number of Rebel Prisoners who petitioned his Majesty for Pardon on such Terms as the King should think proper to be transported to his Plantations, & that a Pardon had accordingly
p. 298 passed the Great Seal, upon Condition of their being transported to some of his Majestys Colonies or Plantations in America during their Natural Lives and their serving the Contractors or their Assignees during the time aforesaid; And also that It was his Majestys Pleasure, that I should use my Authority to inforce a Complyance with those Terms from any of them who should land in any Port or Place under this Government, several of whom have accordingly been transported and landed in this Province; And Whereas I have received Information that some Doubts have been raised and industriously endeavoured to be encouraged (which can have no other Tendency than to disturb the Publick Peace and prejudice the Property of the Purchasers of such Persons) concerning the Sale and Servitude of them agreeable to the Terms of the said Pardon I have therefore thought fit with the Advice of his Lordships Council of State to publish and make known the Terms and Conditions upon which his Majesty has been pleased to extend his Mercy to those Persons so transported into this Province as aforesaid and I do require all Magistrates and Officers of Justice within this Province to be aiding and assisting in obliging the Persons so transported hither as aforesaid to comply with the Terms of their Pardon so far as may be necessary for the respective Times of Service for which They have been or shall be sold; And to the Intent that all Persons concerned may have due Notice thereof I do strictly charge and require the several Sheriffs within this Province to make this my Proclamation publick in their respective Counties in the usual manner as they will answer the Contrary at their Peril Given at the City of Annapolis this 16[th] Day of September in the thirty third year of his Lordships Dominion Annoq Domini 1747.

At a Council held in the Council Chamber on Thursday the 17th Day of September in the 33d year of his Lordships Dominion Annoq Domini 1747 Lib. C. B.

Present as Yesterday

Ordered by his Excellency the Governor with the Advice of this Board that the Present General Assembly which stands prorogued to the 6th Day of October next be further prorogued to the first Day of March next and Proclamations issued accordingly. p. 299

Ordered by this Board that the Sheriff of Ann Arundel County use the four Spanish Prisoners who are now in his Custody very well and not as Other Prisoners are treated as they are only Prisoners of War, and that he provide for Each of them an Oznabrugg Shirt, and also a Cotton Jackett excepting to Scipio

At a Council held in the Council Chamber on Tuesday the first Day of December in the 33d year of his Ldps Dominion Annoq Dni 1747

Present

His Excellency Samuel Ogle Esqr Governor

The honble { Benjamin Tasker Esqr, Edmund Jenings Esqr, Coł Charles Hamond } { Philip Thomas Esqr, Daniel Dulany Esqr, Coł Benja Tasker }

His Excellency is pleased to lay before this Board the following Letter.

Boston 10th October 1747

Sir

The Inclosed is an Extract from a Letter of the Duke of Newcastles to Governor Shirley, signifying his Majestys Commands to Us, upon the several Matters contained in it: In Obedience to which, We must desire you will be pleased to transmit to Us by Return of this Express, or as soon after as you can, Muster Rolls or Lists of the several Officers and Soldiers raised within your Governmt for his Majesty's service in the late intended Expedition against Canada (which his Majesty has laid aside for the present) distinguishing the Companies into which they were formed, with the respective Times of Every Officers engaging in his Majestys Service, and Days on which the Soldiers were inlisted into it (which last may be best done by attested Copies of the Enlistmts themselves) also an Account of the Deaths of such of the Officers and Men wch have happened since they entered into the service, with the respective Times when they happened; As also p. 300

Lib. C. B. of the Dismissions and Desertions of any of the Soldiers, and Times of their being discharged or deserting; together with the Account of the Furloffs which have been granted from time to time to the Soldiers or any of them; and for what time, as also upon what Command or Duty the Officers or Men have been respectively employed since the time of their entering into the service: All which Rolls, Lists & Accounts We desire may be duely certifyed by the proper Officers under their hands, upon Oath taken before your self, and attested by you; also that you would transmit to Us an Account of the Charges of the Cloathing, Arms & Accoutrements of the Soldiers, and all other Expences which have been incurred on Account of the Expedition, and are not to be defrayed by the Colony under your Government, from the Time of their being levied to the Time of your attesting the said Accounts, together with the Vouchers thereof, all duely certifyed upon Oath, by the proper Parties before you, and a Copy of the Proclamation issued by you, for the Encouragement of Troops to inlist into the aforesaid Service, with Copies of the Votes of your Assembly touching the Bounty and Subsistance, or Allowance of Provisions granted by them for the Troops. And We must further desire that you would, in pursuance of his Majesty's Orders communicate to Us your Sentiments and Opinion as to the manner of discharging these Officers and Soldiers and upon what Foot It may be best done, having due
p. 301 Regard to his Majestys Commands to Us, for doing it in the most frugal Manner and his Expectations in this Affair; and this We desire you will forthwith do as a great Charge is running on 'til the Soldiers shall be dismissed from this service by Us.

We must also desire you, in Obedience to his Majestys Commands, to recommend it to your Assembly to furnish such Sums of Money or Credit as may be wanted to pay off the Soldiers, which you will perceive by the Extract of the Duke of Newcastles Letter, is to be provided for by Parliament as soon as the Accounts of the whole Charge incurred by raising the Levies shall be transmitted to his Grace by Us; and forthwith to let us know your Opinion of the Success of such an Application; as also to let us know whether you have advanced any, and what Sums of Money to the Officers and Soldiers, or any of them, on Account of their Pay, and after what Rate and to what Time they are paid in full

And as you perceive, We are commanded by his Majesty to retain such a Number of the American Troops in his Pay as We shall judge sufficient for the securing of Nova Scotia against the Enemys Attempts, until a Reinforcement can be sent thither from Great Britain; the Preservation of which

Colony is of the greatest Importance to the Safety and Welfare Lib. C. B.
of all his Majestys Northern Colonies: And also that Mr Shirley
is ordered by his Majesty to compleat his own as well as Sir
William Pepperell's, as likewise Lieutenant General Philipps's
Regiment out of those Troops, We hope you will assist the
Officers who shall be sent to raise Recruits for those Purposes,
into your Government with your Influence and Authority, &
contribute everything in your Power to their Success, and the
promoting of his Majestys Service.

We think it clear, that the Arms and Accoutrements of the
Soldiers are to be returned; and where the Men have lost
them, their Value must be stopped out of their Pay, or rather
the several Captains are to be called upon for the Arms of the p. 302
respective Companies, and are chargeable therewith; which
you will be pleased to consider; And We must desire you
will forthwith let Us know your Opinion of what Pay it will
be reasonable to allow the Officers as well as Men for their
service

We are Sir Your Honours
Most Obedient humble servants
Wm Shirley
Cha: Knowles

Extract of the Duke of Newcastles Letter to Govr Shirley
dated Whitehall 30th May 1747

His Majesty has been pleased to direct me to signify to you
his Pleasure, that you should immediately appoint a Meeting
with Commodore Knowles at such Place as shall be agreed
upon, and consider with him the present State of Nova Scotia
and Louisburgh, and take the proper Measures for the Defence
of those Places

It is his Majestys Pleasure you should endeavour to compleat
from out of the Americans which are now raised for his Majtys
Service Sr William Pepperels Regiment and your own
Lieutenant Genl Philipp's Regiment is, I am afraid, very
weak; I will however send him his Majestys Orders to send
what Recruits can be got from : And you will also en-
deavour to have his Regiment compleated out of the Americans

As It is his Majestys Intention that the Americans should
be immediately discharged, except only such few as are men-
tioned above, the Manner of discharging them, the Satisfaction
for their time &c must be left to Commodore Knowles & your
self the King however is perswaded you will do it as cheap as
possible

And as these American Troops have done little or no Ser-
vice hitherto, It is hoped they will not expect to be paid in the

Lib. C. B. manner they would have been, had they actually been employed
p. 303 on Service; And it seems highly reasonable, that such of these Troops as have remained in the Provinces where they were enlisted, should be contented with less Pay than such of them as may have marched into other Provinces

When you and Mr Knowles shall have met, & fully considered the service to be undertaken, in the manner above directed, and shall have agreed what Number of Americans It will be necessary to keep in Pay for that Purpose, It is his Majestys Pleasure that you should procure an Account of the whole Expence incurred on Account of the American Troops from the time of their being levied to the time of their being discharged, and when the same shall be fully adjusted & liquidated you will transmit it to me, with the proper Vouchers, from the several Governors, that it may be laid before Parliament, to the End that Provision may be made for the Payment; and in the mean time, in order to prevent any Complaint amongst the Men that have been enlisted (as well those that shall be discharged as those that shall continue in Service) for want of immediate Pay, you will recommend it to the Governors of the Provinces where these Levies have been made, to procure Credit from the respective Assemblies for that purpose, which his Majesty hopes may be done without difficulty

It is also his Majestys Pleasure, that Mr Knowles and you should consider what Number of Americans will be really wanted for the service above mentioned, and the King would have you retain so many as may be absolutely necessary for that service, and no more. And the King hopes that a small Number of the Americans, with his Majestys forces which you have, may be sufficient for that purpose, as the Expence of the Americans is very great: And as to the Americans in general, except only such as may be wanted for the Service abovementioned, It is his Majesty's Pleasure, that you, in Conjunction
p. 304 with Commodore Knowles, should thank them in such manner as you think proper and immediately discharge them upon the best and cheapest foot you can; and in Order thereto, you will consult with the respective Governors upon the manner of doing it: And you will transmit to his Majesty an immediate Account of what you shall do therein

NB. This Paragraph should have been inserted between the fourth & fifth Paragraphs

Cha: Knowles
Wm Shirley

The aforegoing Letters being read and considered; It is the humble Advice of this Board to his Excellency, that he be pleased to order Proclamations to issue to call the Assembly to meet on Monday the 14th Instant which Proclamations issued accordingly.

By his Excellency Samuel Ogle Esq[r] Governor & Commander in Chief in & over the Province of Maryl[d] Lib. C. B.

A Proclamation

Whereas the present General Assembly of this Province stands prorogued to the first Day of March next, And Whereas his Majestys Commands signifyed to me by his Grace the Duke of Newcastle require their Meeting before that Time I have therefore thought fit with the Advice of his Lordships Council of State to publish and make known that the said General Assembly meet and be held at the City of Annapolis on Monday the fourteenth of this Instant December And to the Intent that All Persons concerned may have due Notice thereof I do hereby strictly charge and require the several Sheriffs of this Province to make this my Proclamation publick in their respective Counties in the usual manner as they will answer the Contrary at their Peril Given at the City of Annapolis this first Day of December in the 33[d] year of his Lordships Dominion Annoq Dni 1747

His Excellency having communicated to this Board a Report made to him by the Justices of Ann Arundel County Court of their having passed Sentence of Death at their last November Court held for the said County on a certain Negro Man named York for Horse stealing and It appearing to this Board by the said Report that the s[d] Negro bears a very ill p. 305 Character, It is therefore the humble Advice of this Board to his Excellency that he be pleased to order a Warrant to issue for the Execution of the said Negro York on Wednesday the 9[th] Instant, which Order issued accordingly.

At a Council held at the house of his Excellency the Governor in the City of Annapolis on Monday the 14[th] of December in the 33[d] year of his Ldps Dominion Annoq Domini 1747

Present

His Excellency Samuel Ogle Esq[r] Governor

The honourable { Benjamin Tasker Esq[r], Col George Plater, Edmund Jenings, Philip Thomas Esq[r], Daniel Dulany Esq[r], Col Benjamin Tasker }

Ordered by his Excellency the Governor with the Advice of this Board that the present General Assembly which was this day appointed to be held at the City of Annapolis be further prorogued to Tuesday the 15[th] Instant, there not being,

Lib. C. B. through the Inclemency of the Weather, a sufficient Number of Members of the Lower house in Town to make a House; and Proclamation issued accordingly.

15th Decemr 1747

Council Present as yesterday

Ordered by his Excellency the Governor with the Advice of this Board that the present General Assembly which was this Day to have met at the City of Annapolis be further prorogued to Wednesday the 16th of December Instant and Proclamation issued accordingly.

16th Decemr 1747

Council Present as yesterday

Ordered by his Excellency the Governor with the Advice of this Board that the present General Assembly which was
p. 306 this Day to have met at the City of Annapolis be further prorogued to Thursday the 17th Instant and Proclamation issued accordingly.

17th Decemr 1747

Council Present as Yesterday and Coł Lloyd.

Ordered by his Excellency the Governor with the Advice of this Board that the present General Assembly which was this Day to have met at the City of Annapolis be further prorogued to Friday the 18th Instant and Proclamation issued accordingly.

18th Decemr 1747

Council Present as yesterday.

Ordered by his Excellency the Governor with the Advice of this Board that the present General Assembly which was this Day to have met at the City of Annapolis be further prorogued to Saturday the 19th Instant and Proclamation issued accordingly.

His Excellency is pleased to lay before this Board the following Letters, which were inclosed to him by Richard Lee Esqr and as he says, were picked up in the Road way by a Negro belonging to a near Neighbour of his

Oh Conscience Conscience at length thou hast overcome me and forced me to throw down my cursed Commission, with these few Lines of my too late Repentance and Confession of my Crimes, & I beg that whoever takes them up, may carry them immediately to his Excellency the Governor of Maryland; that Measures may be taken in time, to counter-

plot or evade a cursed Plott almost ripe for Execution which Lib. C. B.
may prove fatal to this Province in general: I would not have
it thought that I absent myself to conceal any part of the Plott,
for God knows I am in a Disposition to make a full discov-
ery, if I dare to appear, but I apprehend my Life is in danger
both from the Court of Justice, and from those who employed
me in this hellish fact: If these Obstacles can be removed,
and I can be assured of a free general Pardon for my past p. 307
Offences, and Protection against those that made me commit
them, by Advertisements set up at Marlborough & publick
Places adjacent thereto, I will then appear and make a full dis-
covery of the whole Plott: There is two Men in Goal in this
Provice that would have discovered this Plot long ago, but
their unhappy Circumstances confining them with those who
are Zealous for the Catholick Cause, they are obliged to keep
it a secret for the Preservation of their Lives: I can add no
more but must absent myself, till the Storm be overpast that
threatens the unfortunate

Decem^{r} 11th 1747. Z: L:

To his Excellency Samuel Ogle Esq^{r}

May it please your Excellency

The Reason that those Criminal Letters were inclosed & directed to you was to keep them a secret 'till Measures were taken for apprehending the Conspirators.

To

\+ D: R: 8: +

This

Sir

How amiable is every Hour of your Conduct, and how great is your Zeal for the Catholick Cause, which so manifestly appears in the Management of the glorious Enterprize now in hand; which you have carried on with so much Prudence and Conduct, that you have almost brought it to Perfection, which could not have been done without Virtues hardly to be imagined, but It is your Discretion Affability and Gentleness, are the attractive Loadstone, that has drawn the hearts of such a Number of People to espouse this glorious Cause, and to contribute so bountifully towards compleating the Magazine. Go on, Noble Sir, in this great Work, that as you by your Zeal, Direction and Constancy have hitherto mastered all Difficulties, and overcome Impossibilities that presented themselves in the Enterprize, so you may in the End obtain a glorious Triumph over the Enemies of Our holy Religion: Then will the Glory be ascrib'd to none but you, to whom It will be most justly due: It now remains to return

Lib. C. B. p. 308 you my humble Thanks for the great Honour you do me in believing me faithful in the Trust committed to my Charge, as also to let you know what Measures has been taken here, and how far We are advanced in Our common Cause, that you may be the better able to form your Designs, in order to bring this great Work to a final Conclusion: The Gentlemen recommended to you have accepted their Commissions, and as an Acknowledgment of the Honour you do them, they have entred into a solemn Engagement, either to perish in the Enterprize or pursue every Man to Destruction that opposes your just Proceedings, and in that Resolution to persevere until the Roman Catholicks are reestablished in their former Tranquillity: in raising Men and Money I have used all necessary Precautions to prevent Discoveries and to that purpose have caused all the Priests, in the respective Congregations over whom they reside, to exhort their People often to Confession, & then to examine them how they stood affected to the Plott, & after Examination to bind them to Secrecy according to the form in such Cases—provided, under Pain of an Anathema: & then to take a Memorandum of All those whose Hearts the Lord stirred up, to engage either in Person or in Purse in this blessed Design, which from time to time they have delivered in to me, and which I have sent to you inclosed in a List by the Bearer: But what is like to augment our small Forces as much as any thing is the Proceedings of the late general Assembly, at which poor People are much dissatisfyed, particularly those who are much in Debt (which is the unhappy Circumstance of too many in this Province) for the Burgesses not considering the Benefit of the People whom they represent, have made a Warehouse Law, & such a One in all it's Circumstances, that it not only deprives them of every future Advantage that may arise thereon, but there is a Clause inserted under pretence of enabling People to support the Charges of the said Law, by a Reduction of Twenty five ꝑ Cent from Tobacco Debts, which seems to be done on pur-
p. 309 pose, and serves for no other End than to set Creditors on the Backs of poor Debtors to use them with more Rigour than ever, from which Proceedings many well foreseeing the unhappy Circumstances they must inevitably fall under, there is no doubt but they will joyn us, as some has already done, rather than fall a Sacrifice to such a Law: And poor Prisoners finding no Door of Mercy can be opened upon any Consideration offered by them, either to their Creditors, or to the house of Assembly there is no doubt but they will extricate themselves, by such means as We offer them, as some has already promised to do as soon as We make Way for them to joyn Us: The Rebels that arrived here last Summer are

chiefly purchased by Roman Catholicks, these are fit Men for Lib. C. B.
our purpose, and such as seem to be sent by Providence on purpose to assist in this great Work, for tho' they have once miscarried, yet when they come to understand that this is a Branch of the same Cause and that there are some here who has Courage enough to play the Men, no doubt but they will be the same Men still, and more desperate now than ever, the late Proclamation having deprived them of all hopes of Redemption otherwise: Thus as well as my Indisposition will permit me, I have given you an Account of the Measures that has been taken here, how far We are advanced, and with everything material that is most likely to advance our Cause to the Day of Battle, and upon the whole I think We may conclude Our Plott is well laid, & such as cannot fail without some Accident or unseasonable Divisions amongst Ourselves, which God of his infinite Goodness and Mercy prevent by inspiring the hearts of All those concerned with Unity & Concord, My Indisposition will not permit me to give this Account under my own hand, nor will a violent fever that now begins to rage permit me to say more, which makes me beg Leave to refer you to the Bearer for a more particular p. 310
Account: I can add no more but as I began without the Title due to your worthy Deeds, so for the same Reason I must conclude without Ceremony that I am &c.

Decem^{r} 11th 1747 R. T: M:

To
8: R: G: & Y. Z: This.

Gent.

I received yours and therein I behold the Accomplishment of my Prophecies, I have often forewarned you of the fatal Consequence that attends such heats and Divisions, but all my Councils were rejected, 'till now too late Experience shews you my Advice was wholesome, and such as ought to have been followed: if you had unanimously gone on upon what I so often recommended and so earnestly pleaded for, things had not been brought to the Pass they now are, and those Gentlemen you now are obliged to keep under strict Confinement would still have been zealous Propagators of the Catholick Cause, but when they found that the Divisions so long kept up amongst you was begining to form themselves into factions upon different Measures and opposite Designs I suppose they thought it time to provide for their own Safety, which they could not have done any way so effectually as by informing against Others, and had they been at large two Days longer, they would certainly have involved the whole Body of the Roman Catholicks in their inevitable Ruin, which

Lib. C. B. God of his infinite Goodness and Mercy grant may not be already done: but however I hope this Experience will learn you to be more unanimous for the future, & teach you to act more conformable to the Plan of Action laid down for you by Our brave General. I expect my last Orders from him soon, and then you may depend upon yours from me, until which time I desire you would keep a strict Eye over the Gentlemen you have in Custody and be very cautious who you
p. 311 admit to their Conversation: I add no more but conclude with a hearty wish that you all were as zealous for the Cause on which all Our fate depends as is Yours &c.

R. Z: M:

Decem. 11th 1747.

Upon reading and considering the aforegoing Papers It is the humble Advice of this Board to his Excellency, that he be pleased to order the following Advertisement to be sent to the Sheriff of Prince Georges County with Directions to have the same affixed at the Court house Door, and at the Ordinarys at Marlborough, and also at the Mills and Publick Places near thereto, which was done accordingly

Whereas some Papers dated 11th Decemr 1747 have come to my hands, wherein the Author upon Assurance of his Pardon and Security of his Person, hath declared himself willing to make a further and full Information of the Matters contained in those Papers—

These are therefore to assure the Author of those Papers that he shall have his Pardon and a Security of his Person upon his making to me a Discovery of what he further knows of the Affair mentioned in those Papers Given under my hand this 18th of Decemr 1747

19 Decemr 1747

Council present as yesterday
except Philip Thomas Esqr

Ordered by his Excellency the Governor with the Advice of this Board that the present general Assembly which was this Day to have met at the City of Annapolis be further prorogued to Monday the 21st Instant and Proclamation issued accordingly.

21st Decemr 1747.

Council Present as on 19th

Ordered by his Excellency the Governor with the Advice of
p. 312 this Board that the present general Assembly which was this

Day to have met at the City of Annapolis be further prorogued to Tuesday the 22d Instant and Proclamation issued accordingly. Lib. C. B.

At a Council held at the house of his Excellency the Governor in the City of Annapolis on Monday the 28th Day of December in the 33d year of his Lordps Dominion Annoq Domini 1747.

Present

His Excellency Samuel Ogle Esqr Governor

The honourable { Benjamin Tasker Esqr, Daniel Dulany Esqr / Edmund Jenings Esqr, Coł Benjamin Tasker.

Upon reading and considering the Letter of Governor Shirley & Commodore Knowles laid before this Board by his Excellency on Tuesday the first Instant, It is the humble Advice of this Board that his Excellency be pleased to send the following Answer thereto.

Gentlemen

On Receipt of your Letter of the 10th of October, which did not come to my hands till the 27th of November, and in Obedience to his Majestys Pleasure signifyed by his Grace the Duke of Newcastle in his Letter to your selves of the 30th of last May I called Our Assembly, to whom I communicated his Majestys Expectations, and their Result you will find in the Copy, which I now inclose, of their Address to me on that Subject

The Enlistments were made during the Administration of Mr Bladen, and none of the Officers of the Troops raised here being now in this Province I am incapable of returning you the particular Account you desire of the Muster Rolls, Enlistments, Deaths of Officers & Soldiers Dismissions or Desertions, Furloes, or upon what Command or Duty the Officers or Men have been respectively employed; But as they were soon after the compleating the Companies transported to New York, in which Government they have ever since continued, I doubt not but Mr Clinton by the Information of the respective Officers can satisfy you in these several particulars p. 313

As to the Expences incurred on Account of the Troops raised here and disbursed either by this Province or by Mr Bladen (both which I observe the Duke of Newcastle expects to be transmitted to him) I send you as authentick Accounts thereof as I can possibly procure, and hope they will be sufficient for your Adjustment to be laid before the Parliament

Lib. C. B. Agreeable to your Desire, inclosed is a Copy of the Proclamation issued for the Encouragement of Persons to enlist, with Copies of the Votes of the Assembly of this Province touching the Bounty and Subsistance granted by them, also a Copy of the Certificate given by M^r^ Bladen to the Officers; I am not acquainted with any Sum of Money advanced to the Officers or Soldiers, either by M^r^ Bladen, or any other Person here on Account of their Pay

The Troops raised here were furnished with Arms and Accoutrements at the Expence of this Province upon the Assurance expressed in the Letter from the Duke of Newcastle that It should be reimbursed, and you will perceive by an inclosed Copy of an Address from the Lower house on that head, that they still depend on having a satisfaction made accordingly, so that however reasonable It may be, that those Arms and Accoutrements should be returned or otherways accounted for by the Men or their Officers as you express in your Letter, yet you will be pleased to consider that neither the Men or Officers are now or ever likely to be in this Government, or, if they were, could any of them be made accountable here for the Loss of any such Arms and Accou-
p. 314 trements by a Stoppage out of their Pay, since I have no Directions or Authority in the payment of them, and therefore I doubt not of your Assistance in procuring the Payment for such Arms & Accoutrements

My Duty and Zeal for his Majesty and his Service as also my Earnestness to act what is in my Power agreeable to your Wishes would leave me without Excuse, if I should be wanting in my Assistance to any Officers who may be sent hither to raise Recruits for the Purposes you mention.

As I am not sufficiently acquainted with the Circumstances & Scituation of all his Majestys Colonies, or the Difficulties of raising Men there, I cannot pretend to judge what Pay ought to be allowed to the Officers and Soldiers in general, But as to the Pay of the Troops raised in this Province who have marched and always served in New York, I make no Question but you will think it reasonable, They should be allowed Pay equal to his Majestys Troops upon the British Establishm^t^ And indeed they may think they have a Right to it upon the Assurance in the Proclamation (which I now inclose and refer you to) issued by this Government for Encouragement of the Levies in pursuance of his Majestys Commands signifyed by his Grace the Duke of Newcastle

I am Gentlemen

Your most obedient humble servant

Sam: Ogle.

To his Excellency Samuel Ogle Esq[r] Governor of Maryland Lib. C. B.

The humble Address of the house of Delegates of the said Province

May it please your Excellency

We his Majestys most dutiful and Loyal Subjects the Delegates of the Freemen of Maryland in Assembly convened taking under Our serious Consideration the Extract of the Duke of Newcastles Letter laid before Us recommending the advancing Money for the Payment of the Levies raised by this Province on the late intended Expedition against Canada, as well as all the Ways and Means in Our Power for complying with his Majes[tys] hopes and Expectations therein, beg Leave under the greatest Concern to represent to your Excellency, p. 315 that the vast Charge and Expence the People of this Province have already been at in levying, maintaining here, transporting to Albany in the Province of New York the Place of general Rendezvous, and further supplying those Levies with Provisions there, together with the heavy Taxes and other Difficulties under which the People We represent now labour, have rendered it altogether impracticable for us to raise or advance any Sum for Payment of the said Forces: And as no further Business lies before this house We pray your Excellency will please to put an End to this Meeting

23[d] Decem[r] 1747 Read & Assented to and signed by Order of the house p Edw[d] Sprigg Speaker

Extracts from the Journal of the Lower house of Assembly at June Session 1746.

Resolved that a Sum not exceeding four thousand five hundred pounds be taken out of the Loan Office for the purposes following Viz.

Resolved that fifteen hundred Pounds thereof be applyed as Bounty Money for three hundred able bodyed Men who shall voluntarily enlist themselves into his Majestys Service for the intended Expedition against Canada at five Pounds p Man

Resolved that three thousand Pounds the Residue be applyed in order to support and convey the said Men 'till they arrive at Albany or such other Place of Rendezvous as shall by M[r] Gooch Lieutenant Governor of Virginia be appointed

Extracts from the Journal of the Lower house of Assembly at November Session 1746

Resolved that the Sum of Eight hundred Pounds be taken

Lib. C. B. p. 316 out of the Paper Office to purchase Beef Pork Tobacco & that the Sum of Two hundred Pounds Sterling be taken out of the hands of Mr William Hunt Merchant in London and be transmitted to New York for purchasing Bread for the Soldiers

To his Excy Samuel Ogle Esqr Governor of Maryland

The humble Address of the house of Delegates of the said Province

May it please your Excellency

In Complyance with his Majesty's Pleasure expressed in his Grace the Duke of Newcastles Letter to Thomas Bladen Esqr late Govr of this Province dated at Whitehall 9 April 1746 This house exerted themselves to the utmost Ability of his Majestys Subjects the People of Maryland, to encourage 300 Able Bodied freemen to inlist in his Majestys service for the intended Expedition to Canada, and to transport them to the Place of Rendezvous; In which Letter the said Thomas Bladen Esqr was directed as follows Viz. "As to the Article of Arms "and Cloathing for the Men to be raised, his Majesty has "commanded me to recomend it to you, and the other Gov- "ernors to take Care, that the Soldiers may be provided with "them: And his Majesty has authorized & empowered Lieu- "tenant General St Clair to make a reasonable Allowance for "defraying that Expence" But as no Arms were to be purchased here for that purpose, to prevent, as much as lay in our power, any Lett to that Expedition, The Quantity of 300 Muskets with Slings & Bayonets, 300 Cartouch Boxes with Belts, Six Drums, nine half Pikes and Six Halberts, were by Consent of this house supplied out of the Publick Magazine of this Province on Condition of the like Quantity being again replaced for the Use of the Publick; The transacting of which Matter was referred to the said Thomas Bladen Esqr and it was hoped by this house He would have taken suitable measures in Relation thereto; But as It is not known to this house that anything hath been done therein, We pray that your Excellency will be pleased to use such Instances as may procure the like Quantity of Arms to be replaced in the publick Magazine of this Province in Lieu of the aforesaid Arms supplyed for that Service agreeable to the Clauses in an Act entituled "An Act "for issuing and taking out of the Office of the Commissioners "or Trustees appointed for emitting Bills of Credit the Sum "of £ 4500 Current money for Encouragement of such able "bodyed Freemen as shall voluntarily enlist themselves into "his Majestys Service for the intended Expedition against "Canada; and for maintaining and conveying them to the

"Place of Rendezvous as also for replacing the said Sum and Lib. C. B.
"for the better regulating Ordinarys and Ordinary Keepers
"and for other purposes therein mentioned" folio Nine
22d June 1747 Read & assented to & signed by Order of the house p Edward Sprigg Speaker.

The Governor communicated to Mr Speaker the following Answer to the Address of this house presented to his Excy yesterday

Gentlemen of the Lower house of Assembly

I shall not fail according to your Address to do everything in my Power, to procure a reasonable Allowance for the Arms taken out of Our publick Magazine for the Use of the Forces raised here for his Majestys Service Sam: Ogle

29th Decemr 1747

Province of Maryland

Then Came Michael Macnemara Clerk of the Lower house of Assembly of the said Province and made Oath on the holy Evangels of Almighty God before me the Subscriber One of his Ldps Justices of the Provincial Court that the aforegoing are true Extracts from the Journals of the Lower house of Assembly lodged in the Assembly Office of the said Province
Jno Brice

Extracts from the Council Book of the Province of Maryland

Maryland ss

By his Excellv Thomas Bladen Esqr Govr & Commr in Chief in and over the Province of Maryland

A Proclamation

Whereas his Grace the Duke of Newcastle One of his Majestys Principal Secretarys of State has signifyed to me his Majestys Royal Intention to employ Forces for the immediate p. 318
Reduction of Canada, and also his Pleasure that I should forthwith make the necessary Dispositions for raising Men within this Government to be employed in Concert with his Majestys regular Forces on that important Service, which Men to be raised in this Province with Others in some of the neighbouring Colonies, are to be formed into One Corps, and commanded by the honourable William Gooch Esqr Lieutenant Governor of Virginia; I have therefore thought fit to issue

Lib. C. B. this my Proclamation, inviting and giving Notice to such of his Majestys Subjects as shall be willing to enter and enlist themselves into this his Majestys service, that they may repair to the City of Annapolis where M^r^ John Ross will give due Attendance for this Purpose; And for the Encouragement of Persons inclining to engage in this Service I am authorized to assure them as well Officers as Soldiers, that they shall immediately enter into his Majestys Pay, the Officers from the time they shall engage in his Majestys Service, and the Soldiers from the respective Days on which they shall inlist: And that they shall come in for a share of any Booty to be taken from the Enemy, and sent back to their respective habitations, when this service shall be over, unless any of them shall desire to settle elsewhere

And as a further Inducement to the Inhabitants of this Province to enlist, I hereby make known to them, that I am authorized to appoint such Offiicers, as are to command each Company, In Consequence whereof I shall endeavour to make the Command as agreeable to the Men as the Nature of the Service will admit

And I do hereby strictly charge and require the several Sheriffs of this Province to make this my Proclamation publick in their respective Counties in the usual manner, and also to affix Copies thereof in the most publick Places of their said Counties as they will answer the Contrary at their Peril Given at the City of Annapolis this 7^th^ Day of June in the 32^d^ year of his Ldps Dominion Annoq Dni. 1746.

p. 319 Maryland ss.

By his Excellency Thomas Bladen Esq^r^ Gov^r^ & Comm^r^ in Chief in and over the Province of Maryland.

Whereas in Obedience to his Majesty's Commands signifyed to me by his Grace the Duke of Newcastle Three Companies of Foot consisting of One hundred Men each have been levyed & raised in this Province for his Majestys Service in the intended Expedition against Canada; And Whereas One of the said Companies now under the Command of Daniel Campbell Esq^r^ as Captain thereof hath been enlisted & compleatly full on the 8^th^ day of July last past by the Care and Vigilance of the said Daniel Campbell together with Joseph Chew Gent Lieutenant & John M^c^ Cullogh Gent Ensign of the said Company; by which means the s^d^ Dan^l^ Campbell under my Promise and Encouragement for the making such Levies is entituled to his Majestys Commission of a Captain to command the said Company; But forasmuch as It is thought

necessary and expedient for his Majesty's Service that the said Companies should depart from this Province forthwith and before the Blank Commissions from his Majesty can be received by me Therefore I certify the above that as well the said Dan[l] Campbell may claim and receive the said Commission of a Captain not only from me as soon as any blank Commissions shall come to my hands for the purposes aforesaid but also from any other Person or Persons who are or shall be authorized by his Majesty to grant or deliver the same to the Officers of the forces raised in this Province for the Expedition af[d] In Testimony whereof I have caused the Great Seal of this Province to be hereto affixed this 13[th] Day of Septem[r] Anno Dom. 1746. Lib. C. B.

The like Certificates were given to Dudley Crofts Esq[r] as Capt[n] Cornelius Brookesby Gent Lieutenant and John Frazer Gent Ensign whose Company was compleat on the 24[th] of July.

The like Certificates given to John Jordan Esq[r] Captain, Benj[a] Stoddart Gent Lieutenant and Edward Bullock Gent Ensign, whose Company was compleat on the 25[th] of July

30[th] Decem[r] 1747 p. 320

Province of Maryland

Then Came John Ross Clerk of the Council of the said Province and made Oath on the holy Evangels of Almighty God before me the Subscriber One of his Lordships Justices of the Provincial Court that the aforegoing is a true Copy taken from the Council Book lodged in the Council Office of the said Province

John Brice

I Samuel Ogle Governor of the said Province do hereby certify that John Brice the Person who in my Presence took and signed the said Depositions is One of the Justices of the Provincial Court, and that to all Depn̄s so by him taken and signed all due Faith and Credit is and ought to be given In Witness whereof I have caused the Great Seal of the said Province to be affixed this 30[th] Day of Decem[r] Anno Domini 1747

Sam: Ogle

An Account of Money advanced by the Province of Maryland towards Discharge of the Expences incurred on Account of that part of the American Troops inlisted in the said Province for the Expedition against Canada.

	Currency	Sterl
Lib. C. B. Cash raised by Virtue of an Act of Assembly passed Anno 1746 for Encouragement of Persons voluntarily inlisting themselves in his Majtys Service for the intended Expedition against Canada, & for maintaing and conveying them to the Place of Rendezvous	4500	
Cash raised by Virtue of an Act of Assembly passed November 1746 for purchasing Provisions &c for his Majestys forces raised in this Province	900	200
	£5400	£200

30th Decemr 1747

Province of Maryland

Then Came Richard Burdus Clerk of the Secretarys Office in the said Province and made Oath on the holy Evangels of Almighty God before me the Subscriber One of his Lordships Justices of the Provincial Court that amongst the Laws and Records now remaining in the said Office, there are the Original Acts of Assembly which were passed Anno 1746 whereby the several Sums of Current Money & sterling
p. 321 mentioned in the above Account were raised and appropriated to the Uses above expressed.

John Brice

Memdm besides the above Account Thomas Bladen Esqr late Governor of this Province drew several Bills of Exchange for Disbursments on Account of the Troops levyed in this Province as by the Particulars annexed, But Mr Bladen being now in England for the greater Certainty Reference must be had to him.

Dr His Excellency Thomas Bladen Esqr for Cloathing for the forces raised in the Province of Maryland as by the particular Accounts appears.

To James Dick	74: 5: 9
To James Speeding	30: 19: 3
To Robert Morris	259: 4: 2
To John Hanmer	21: 3: 0
To William Schyren	13: 6: 0
To Jas: Chew	23: 16: 0
To William Thornton	10: 16: 3
To Doctor George Steuart	41: 9: 10½
To John Mitchelson	23: 1: 7½

	currency		Lib. C. B.
To Ditto	3 : 14 : 8 at 100 p Cent	1 : 17 : 4	
To William Roberts.	23 : 3 : 6 at D°	11 : 11 : 9	
To Thomas King	64 : 2 : 0 at 100 p Cent	32 : 1 : 0	
To Thomas Hyde	80 : 12 : 0 at D°	40 : 6 : 0	
To Richard Tootell	3 : 10— at D°	1 : 15 : 0	
To William Bordley	10 : 7 : at D°	5 : 3 : 6	
To Jn° Campbell	262 : 10— at D° for making 300 Suits of Cloaths at 17 : 6 p Suit	131— 5	
To Jn° Campbell, Pewterer	37 : 16 : 8 at D° for making Buttons	18 : 18 : 4	
To Capt[n] Dan[l] Campbell	60— at D° for Cash paid by him for making 600 Shirts at 2/ p Shirt	30—	
To D° for Expences p Acc[t]	9 : 18 : 6 at D	4 : 19 : 3	
		775 : 19 : 7	
Ditto D[r] for Bedding to D°			
To James Dick		47 : 16 : 4	
To Andrew Mitchelson		18 : 8 : 0	
To Christopher Lowndes		10 : 03 : 0½	p. 322
To Doctor George Steuart		102 : 10 : 6	
To Richard Lewis	18 : 15 : 0 at D°	9 : 07 : 6	
		£964 : 04 : 11½	

13th Septem[r] 1746

Maryland ss

Then Came before me One of his Lordships Justices of the Provincial Court Daniel Campbell Dubley Crofts and John Jordan Esq[r] Captains of the forces now raised within this Province who made Oath on the holy Evangels of Almighty God that they have received the several Articles for which the above Sums are charged from the above named Persons respectively for the Use of the Soldiers inlisted by them for his Majestys Service in the intended Expedition against Canada

Sworn to before me
Rob[t] Gordon
30th Decem[r] 1747.

Dan : Campbell
Dud Crofts
Jn° Jordan

Then Came John Ross before me One of his Lordships Iustices of the Provincial Court and made Oath on the holy Evangels of Almighty God that the above is a Copy of an Account left with him by Thomas Bladen Esq[r] late Governor of the said Province, the greatest Part of which He this Deponent hath understood was discharged by the said Thomas

Lib. C. B. Bladen by his Draughts on the R^t^ hon^ble^ the L^ds^ of the Treasury, and the Remainder by his Bills on Stephen Theodore Jansen Esq^r^ Merchant in London

John Brice

Also a Bill of Exchange drawn by M^r^ Bladen payable to M^r^ Philip Vanhorne of London Merchant for several Necessaries provided by M^r^ Stephen Bayard Merchant at New York by M^r^ Bladens Desire

Sterl £300

I Sam^l^ Ogle Gov^r^ of the said Province do hereby certify that John Brice the Person who in my Presence took and signed the said Depositions is One of the Justices of the Provincial Court and that to all Depn̄s by him so taken and signed all due Faith and Credit is and ought to be given In Witness whereof I have caused the Great Seal of the s^d^ Province to be affixed this 30^th^ Day of Decem^r^ Anno Domini 1747

Sam: Ogle

p. 323 At a Council held in the Council Chamber on Tuesday the 8^th^ Day of March in the 33^d^ year of his Lordships Dominion Annoq Domini 1747

Present

His Excellency Samuel Ogle Esq^r^ Governor

The Hon̄ble	Benjamin Tasker Esq^r^	Philip Thomas Esq^r^
	Edmund Jenings Esq^r^	Daniel Dulany Esq^r^
	Col^o^ Charles Hammond	Col^o^ Benj^a^ Tasker
	Col^o^ Edward Lloyd	Richard Lee Esq^r^

His Excellency acquaints this Board that He had appointed Benedict Calvert Esq^r^ a Member of his Lordships Council, and that he now attends in Order to be qualifyed

Whereupon the said Benedict Calvert Esq^r^ takes the Oaths to the Government appointed to be taken by Act of Assembly and likewise the Oath of a Councillor, and subscribes the Abjuration and Test and takes his Place at the Board accordingly

His Excellency is pleased to lay before this Board the following Letter.

Philadelphia 25 Jan^ry^ 1747/8

Sir

I have the Pleasure to inform you that the Indians seated on the Branches of Ohio, and to the South and West of the

Lake Erie (Places within the Bounds of Virginia Maryland & Lib. C. B.
Pensilvania) have this last Summer shewn great Zeal for his Majestys Interest in those Parts, and by their seasonable Declarations of War, have prevented some very bad Designs of the Governor of Canada, which would otherwise have taken Effect; This came to be known first by a Letter sent to this Government from some of the six Nations and Other Indians seated at Canayahage, a Place on or near the River Conde, which runs into the Lake Erie, who sent down a French Scalp p. 324
in Token of their having begun Hostilities against the French, and their Indians: The Traders afterwards confirmed this, with this further Circumstance, that the French Governor had sent the Hatchett to those Indians, and that they had rejected it, at the same time letting the French Governor know, that they were heartily for the English and would fight for them, and not against them; This determined Our Government to give them all the Encouragement possible, & while They were deliberating in what manner to convey to the Indians a Quantity of Goods bought for their Use. Ten Warriors living at Ohio came fortunately at Philadelphia to remonstrate against the Backwardness of the English, and to tell them plainly, that unless they altered their Conduct the French would soon be Uppermost in their Parts; As they addressed themselves to the Governors of All the Provinces, They were told that They should be made acquainted with their Complaints

The Council in Discharge of their Promise, and considering that Your Province is equally with Ours exposed to Danger, should these Indians for want of proper Encouragement go over to the French have thought it their Duty to send you a Copy of the Treaty held with those Ohio Warriors, and of the Message of the Council, and of the Answer of Our Assembly, wherein they promise to enable the Council to fulfill their Engagements, of sending them a Present by M^{r} Weiser in the Spring, tho they were then supplyed with a considerable Quantity of Powder and Lead, and Cloathing to carry them through the Winter, and most earnestly request that you would lay these Matters before your Assembly, and recommend to them to joyn with this Province and that of Virginia in making a Present to these Indians, and if it shall be thought proper, that there may be appointed One or more Persons with full Power to joyn with M^{r} Weiser in any Measures that may be there thought to be most conducive to the Publick Good

M^{r} Weiser was ordered to accompany and take Care of the p. 325
Indians in their Return to Ohio, as far as the inhabited Part of the Country, and from what passed between those Indians and Shikellamy a Person of Character at Shamokin, who happened to be at M^{r} Weisers on their coming there, and likewise what

Lib. C. B. was said by the Principal Indian Schaiohaday at parting with M[r] Weiser, of All which he wrote an Account, which is copyed & sent herewith I cannot but think the Person or Persons who go to Ohio, may do extraordinary service, if they are well supported by an Union of the Southern Provinces, since they will thereby be enabled to give a large Present, and to distribute it among the Indians according to their Numbers Dispositions and Influence, as the same shall appear to them upon the Spot.

It may be expected that the French will use their utmost Endeavours this Winter to corrupt the Indians, there is therefore a Necessity that this Present be made to them early in the Spring, And as the Time cannot be fixed, until I shall receive your Answer, I beg the favour of you to give this Affair, which is of so much Importance to the Peace & Safety of the Publick, all the Dispatch possible

I am
with perfect Esteem
Your Excellencys most Obedient
His Excellency humble Servant
Samuel Ogle Esq[r] Anthony Palmer Pres[t]

Upon reading the aforegoing Letter It is the humble Advice of this Board to his Excellency that he send the following in Answer thereto

Annapolis 8[th] March 1747

Sir

I have this Day laid your Letter of the 25[th] of Jan[ry] with the other inclosed Papers before the Council, and find them unanimously inclined to do every thing in their Power to induce the Lower House of Assembly to make some acceptable Present to the Indians in Concert with your Province, and they expressed a particular Concern, that We had not an Opportunity of laying the said Papers before them the last Session, which
p. 326 ended the 23[d] of December, as they apprehend the Lower House might then have been more easily perswaded into a Thing of this Nature, than if we were to call an Assembly on purpose, which is always unpopular, as it brings a considerable Expence upon the People.

This being considered, It was the Unanimous Opinion of the Council, that the best Way to answer the Expectation of your Government would be to leave the Affair 'till the next Meeting of Our Assembly which is to be the tenth of May next, when I really flatter myself We shall do something on Our Parts to keep up that good Correspondence with the

Indians, which is so necessary for all his Majesty's Subjects in this Part of the World, in the mean time I remain Lib. C. B.

S^r^
Your most Ob^t^ hble servant

Anthony Palmer Esq^r^
Presid^t^ of the Council Pensilv^a^

Sam: Ogle

Read the following Petition

To His Excellency the Governor and the honourable Council of the Province of Maryland.

The Petition of the Subscribers on behalf of themselves and a great number of Freeholders of Prince Georges County.

Humbly Sheweth

That the Court House of the said County is a Wooden Building much decayed, and that Upper Marlborough the Place where it now stands is exceedingly inconvenient to the greatest Part of the Freeholders, if the Division of the County takes Place at Seneca, and as a Division has been expected for some time, the Justices of the s^d^ County have often refused as We are informed to make any considerable Repair 'till that should be determined that the Inhabitants in the new County might not be burthened with any Part of the Expence: And yet some of the Justices of the said County on the last Day of last November Court did make an Order of Court without any Petition from the Inhabitants to levy on the People One hundred thousand Pounds of Tobacco at Two Assessments, of which Sum They have actually levyed fifty One thousand nine hundred and forty four Pounds of Tobacco in the last Levy to repair, or rather rebuild the Old Court house with Brick Walls, and a New Roof; when five or Six Thousand Pounds of Tobacco, as it's well known would have put it in better Repair for some years to come than it has been for some years past, and We humbly apprehend that the Justices levyed such a large sum to put it out of the Power of the People to obtain an Act of Assembly to remove the Court house from Marlborough to a more convenient Place. p. 327

And as the 20^th^ of February was appointed by the Comm^rs^ to agree with Workmen, We then waited on them with Reasons, which are here annexed, why they should not enter into any Contract, till the whole Affair should be laid before the Legislature, and yet the Commissioners declared they intended to contract, and they should have no Regard to the Opinion of the Freeholders, if there were Ten thousand of

Lib. C. B. them, but that they would act in Consequence of the Order of Court; And We are since informed they have actually contracted for the whole hundred thousand

Therefore your Petitioners thought it their Duty to lay the facts abovementioned before this honourable Board, & humbly pray that you will please to take the same into your Consideration, and therein do, as Your Wisdom and Goodness shall direct And your Petitioners as in Duty bound shall ever pray

Signed Richard Snowden
& Sixty five Others

The aforegoing Petition being considered, the following Endorsement is ordered to be made thereon.

The Within Petition having been read, and the Account of the Levy not being transmitted to the Governor and Council as the Act of Assembly directs, the Account cannot be now inspected, nor the Petition further considered.

At a Council held in the Council Chamber on Tuesday the 31st Day of May in the 34th year of his Lordships Dominion Annoq Domini 1748.

p. 328 Present

His Excellency Samuel Ogle Esqr Governor

The hoñble	Benjamin Tasker Esqr	Daniel Dulany Esqr
	Col George Plater	Col Edward Lloyd
	Edmund Jenings Esqr	Col Benjamin Tasker
	Col Charles Hammond	Richard Lee Esqr
	Saml Chamberlain Esqr	Benedict Calvert Esqr

His Excellency is pleased to lay before this Board the following Letter

Philadelphia 12th April 1748.

Sir

I postponed answering your kind Favours of the 25 of february and 8th of March, 'till I could hear from the Governor of Virginia, and as his Letter did not arrive till Saturday last, I embrace this first Opportunity of making you my Acknowledgements for the Care you was pleased to take in forwarding my Packett and taking the Trouble to write to him on the Subject: Sr William is entirely of the same Sentiment with you and your Council that Every thing should be done to preserve the Indians about Ohio Our hearty friends, and promises to do all in his Power to induce his Assembly to joyn in the Present

The Death of the Messenger might have proved an heavy misfortune, had your Assembly and that of Virginia been sitting, but as Both Houses were in their Recess, and are to sit again pretty near the same time, the Delay was not of any Consequence: Our Council indeed on my laying before them your first Letter imagined this Accident would render it impracticable to receive Answers in time enough to fulfill the Engagements they had laid themselves under in their Treaty with those Indians, and therefore came to a Resolution of dispatching M^r^ Weiser with a Present of the Value of One Thousand Pounds, so as to be at Ohio within the time concluded upon at his Parting with Schoiady in his return home; but when I imparted to them yours and the Governor of Virginia's Letter they altered their Mind, and on consulting with M^r^ Weiser, who happened fortunately to be in Town the Day Sir Goochs Letter came to my hand, they were contented to send a Message to the Indians, to inform them that the Interpreter was prevented by some unforeseen publick Business from coming to see them so early as he had given them Reason to expect, but that he should hasten up to them as soon as this Business should be finished, which was hoped would be about the middle of Summer Lib. C. B.

How they will take even this Delay I cannot say, they are in extream Want and by all Informations very numerous, The French leave nothing unattempted to seduce them from the English Interest, there are some small French Forts a little to the West of these Indians, but whether there are any and what Quantity of Powder and Goods in them to give the Indians I cannot learn, perhaps they have none or not much and in this Case those poor Indians, may be necessitated, if they do not receive supplys soon, to fall upon the Provinces that are nearest to them to get wherewith to subsist. They receive no Part of the Presents that are annually made to the Six Nations by the Governments of New York & Boston, these are all engrossed by the Mohocks, and the Nations to the Westward of Ohio, so that there is the greater Reason why the southern Provinces should take Care of them, as they live upon their Borders & can by their situation, be an effectual Barrier against the French

S^r^ William Gooch by his manner of writing seems to be of Opinion that Virginia will not send Commissioners, but chuse to make an Addition to the Present to be sent by M^r^ Weiser from hence, and says he would be glad if I had told him what Sum was expected

But this I have not presumed to do any otherwise than by relating the Circumstances of these Indians, and that, not so much for his Information, as for the Satisfaction such Relation

Lib. C. B. may give to the Assembly, and indeed that is the Reason why I have wrote so long a Letter to you, who know these Matters much better than I do.

I am with perfect Esteem, and a very sincere Respect
Your Excellencys
Most Obedient humble Servant

His Excy Saml Ogle Esqr — Anthony Palmer Prest

Upon reading the aforegoing Letter It is the humble Advice of this Board to his Excellency that he send the following Answer thereto.

Annapolis 31 May 1748

Sir

Our Assembly has now been sitting for three Weeks, and the Lower house came to a Resolution some time ago not to make any Allowance for the Indians; This I deferred giving you an Account of, as the Gentlemen of the Council, out of their great Inclination to promote this Service, flattered themselves, that We might be able to induce them to change their Sentiments, but as We now begin to despair of doing any thing to the purpose, I give you this Notice, very much to my Mortification, having done every thing in my Power to have answered your reasonable Expectations

I am Sr

Anthony Palmer Esqr — Yr most humble Servant
Prest Council Pens — Sam: Ogle

At a Council held in the Council Chamber on Tuesday the 7th of June in the 34th year of his Lordships Dominion Annoq Domini 1748.

Present

His Excellency Samuel Ogle Esqr Governor

The hon̄ble

Benjamin Tasker Esqr	Col Edward Lloyd
Col George Plater	Benjamin Young Esqr
Edmund Jenings Esqr	Col Benjamin Tasker
Col Charles Hammond	Richard Lee Esqr
Saml Chamberlain Esqr	Benedict Calvert Esqr
Daniel Dulany Esqr	

His Excellency is pleased to lay before this Board the follwg Papers

The Case of Several of the Back Inhabitants of Prince Georges County.

p. 331 The receivers of the Quit Rents have some times Impowered Persons in the Back woods to Receive the Rents which

most of the People have Readily paid and several others have Lib. C. B.
sent what money they owed by some of their Neighbours to be paid to the Receivers which money has not been always paid, sometimes Lists (which the People call Black lists) have been Delivered to the Sheriffs of arrears of Rents due and when such Lists have been so Delivered, the Sheriffs have not only Charged the People a Commission of Ten ꝑ Cent for Receiving the Money but also a fee of 168 pounds of Tobacco, till Lately it has been reduced to 126 or 15 Shillings Altho the Money has been Paid them and they never made any Distress; This has been Submitted to by Several because they did not know but that the demand was Iust, and if otherwise they knew not how to obtain any Relief without Puting themselves to a greater expence in seeking such Relief than the fees and ten ꝑ Cent were worth

But of Late these particulars have been carried to so great a length that it has made a great many People Resolve to Leave their habitations and the Province, rather than to submit to such Impositions (as they have been lately informed they were) and Several are actually gone, and others Intend to follow as soon as they can dispose of what they have at any rate: The Present Sheriff having one of these Black Lists on or about the eighth day of March last past, an under Sheriff Summoned the Persons to attend the high Sheriff at Frederick Town, which they accordingly did, and Paid down all that was Demanded of them together with Ten ꝑ Cent (except Stephen Ranspergen who did not Pay the ten ꝑ Cent) and every one of them Paid fifteen shillings to the Sheriff, for what he called his fee, or Past a note for one hundred and Twenty six Pounds of Tobacco, but not one of them could get a Receipt for the fee And the under Sheriff gave p. 332
Receipts for the Money tho the high Sheriff received it.

The following List of some of the Persons who were treated in the manner already mentioned will Contribute to Put the Case in a Clear light

	Sterling		Currency
March 8th 1747/8 Jacob Foot pd half a years Rent for 539 Acres	0:11:4	Jacob Foot pd the Sheff	0:15:0
March 25th 1748 Peter Apple pd half a years Rent for 150 acres pd for Kath Hagar	0: 2:9	Paid the Sheriff	0:15:0
Henry Trout	0:16:3¾	Paid the Sheriff	0:15:0

Lib. C. B.		Sterling		Currency
	Melcar Wherfield	0: 7:1½	Paid the Sheriff	0:15:0
	Christian Thomas	0: 4:2¼	Paid the Sheriff	0:15:0
	Peter Hoffman	0: 4:6	Paid the Sheriff	0:15:0
	Christian Getsoner	0: 3:0	Paid the Sheriff	0:15:0
	Stephen Ransbergen	0: 9:3¾	Paid the Sheriff	0:15:0
	Henry Roads	0: 6:5	Paid the Sheriff	0:15:0
	Conrad Kemp	0: 9:1	Paid the Sheriff	0:15:0
	Francis Wise	0: 4:1½	Paid the Sheriff	0:15:9
	Jacob Smith	0: 4:0	Paid the Sheriff	0:15:0
	George Lye	0: 4:3¾	Paid the Sheriff	0:15:0
	Isaac Miller	0: 4:0	Paid the Sheriff	0:15:0
	Thomas Johnson	0: 0:6	Paid the Sheriff	0:15:0
	Joseph Browner	0: 4:1¾	Paid the Sheriff	0:15:0
	Henry Browner	0: 4:3¾	Paid the Sheriff	0:15:0
	Nick Frisk	0: 4:0	Paid the Sheriff	0:15:0
	John Smith	0: 6:0	Paid the Sheriff	0:15:2
	John Browner	0: 4:7¾	Paid the Sheriff	0:15:0
	Jacob Browner	0: 8:11	Paid the Sheriff	0:15:0
	D° for ½ years Rent for 25 acres in a Seperate Tract	0: 0:6	Paid the Sheriff Paid the Sheriff	0:15:0 0:15:0
	Ken: Backdolt	1: 2:5½	Paid the Sheriff	0:15:0
	Nicholas Reisner who had p^d^ all to the Receiver but 9^d^	0: 0:9		
	Ditto Past his Note to the Sheriff for 126 Pounds of Tobacco			
p. 333	David Delaitre	0:14:0	Paid the Sheriff	0:15:0
	Martin Wisell	0:12:0	Paid the Sheriff	0:15:0
	Casper Windred	0: 4:0	Paid the Sheriff	0:15:0
	Peter Shaffer	0:12:0	Paid the Sheriff	0:15:9

The Deposition of Stephen Ransbergen of Prince Georges County farmer being of full age. This Deponant being duely sworn upon the holy Evangels Deposeth and saith, that he was present at Frederick Town when the Sheriff was there some time in the begining of March last and that he saw most of the Persons mentioned in the within List Pay their Quit Rents together with ten ꝑ Cent on the Sterling Money due for the Rents (except this Deponant who did not pay the ten ꝑ Cent) and fifteen shillings Current Money each for a fine or fee (he cannot Remember which it was called) to

the Sheriff to his own use, that this Deponant Paid the fines Lib. C. B.
or fees of Isaac Miller, Henry Backdolt, Melcar Wherfield at their Request and his own; that most of the said Persons owed no more than half a years Rent, this Deponant took particular Notice that Jacob Brounner was Charged Six Pence Sterling for half a years Rent of 25 acres which was in a Seperate Tract which he Paid and also Paid the Sheriff fifteen Shillings Currency for his fee that Thomas Johnson owed but six pence Sterling which he Paid and Also Paid fifteen Snillings to the Sheriff, that no Distress was made or taken by the Sheriff or his Deputy on any of the said Persons to this Deponants knowledge, or that he ever heard of and believes there was not any, and for Cause of his belief saith that some Days before the Sheriff was at Frederick Town this Deponant saw James Dickson the under Sheriff who told this Deponant that he was going to give the People Notice that the Sheriff would be at Frederick Town on a Day which the said Dickson mentioned, to Receive the Quit Rents and that the said Dickson Requested this Deponant to acquaint as many of his Neighbours and others as he could of the same, which this p. 334
Deponant Promised to do, and accordingly did, That this Deponant haveing heard of the Sheriffs having a List (called black List) Inquired of M^r^ Ignatius Digges, how many Persons were in the List, who told this Deponant, there were above an hundred, And this Deponant further saith that a Great Number of the Germans and some others were so much alarmed by the Sheriffs Proceedings, that Several of them have already Left the Province, and others have declared, that as soon as they could Sell what they were Possessed off, they would go away, many of the Germans declaring, that they being Oppressed in their Native Country, Induced them to Leave it, and that they were Apprehensive of being Equally oppressed here, and that therefore they would go away to avoid it

Stephen Ransbergen

6 May 1748 Sworn to before me Nath: Wickham

The Deposition of Joseph Ogle of Prince Georges County Gent. being of full age. This Deponant being duly Sworn on the holy Evangels Deposeth and Saith that he is very well acquainted with a great many of the Germans, who are Settled in the Back Parts of the County, and that many of them have of Late Expressed Great Uneasiness at the Rigorous Treatment, which they Complained of having Received from the Sheriff, and declared they would Leave the Province, which some have actually done that by all this Deponant could Learn

Lib. C. B. from them, the Sheriffs taking fees of them for the Quit Rents has alarmed them very much and (as Severall of them have declared to and in the hearing of this Deponant) that they were affraid of the same Equal Oppressions with those which Induced them to Leave their Native Country, & that to avoid it they would go from hence.

Joseph Ogle.

May 10th 1748 Sworn before me
John Darnall

P. 335 Several other Depositions to the same Effect being read at the Board, and the Sheriff of Prince Georges County and the Farmer of the Quit Rents attending, His Excellency is pleased to recommend to the Sheriff that he be very careful in exacting no fees from the People nor taking any but what are warranted by Law; And to the Farmers that they use all the Lenity possible in collecting the Quit Rents from the People.

The following Return is ordered to be entered

In Obedience to an Order of Council of 30th of May 1747 We the subscribers do humbly certify That We did give Notice to the Indian Chiefs to meet Us at Cambridge on Tuesday the 8th Day of March last, and on Wednesday the 9th We took the Examination of Indian Abraham (Hopping Sam, Tom Bishop, John Quash, John Newnon, John Quitam being present) And the said Abraham declared as follows Viz. That about Twenty years ago Philemon Lecompt (being then a youth) agreed with the then Indian Queen Mechasusa for One hundred Trees suitable for Staves, for which Trees he gave the Queen seven yards of Linen, That the said Philemon Lecompte is now cutting down Timber Trees upon the Indian Land, and tells them he disregards any thing they can say or do to him; This Complaint appears to be well founded from the Information of several Persons of Credit, The same Abraham further saith That Mrs Elizabeth Trippe Widow, and One John Dawson hath settled upon their Land, but upon Enquiry into the Affair understand Dawson became their Tenant, if any further Enquiry be thought needful We submit to the Board; And that the Commrs be impowerd to call the Surveyor of the County to run any of the Lines may be thought proper, and that the Sheriff or under Sheriff attend if required, and summon any Person whose Attendance may be necessary. But this is humbly submitted to the Consideration of the Board

Sam Chamberlaine
W Thomas

7 June 1748

At a Council held at the Governors on Thursday the 7th Lib. C. B.
Day of July in the 34th year of his Lordships Dominion Annoq
Domini 1748.

Present

His Excellency Samuel Ogle Esqr Governor

The honourable { Benjamin Tasker Esqr, Edmund Jenings Esqr, Col Charles Hammond } { Daniel Dulany Esqr, Col Benjamin Tasker, Benedict Calvert Esqr }

His Excellency is pleased to lay before this Board the follg Letter.

Boston 11th June 1748

Sir

His Excellency Governour Clinton having Appointed an Interview with the Indians of the Six Nations to be held at Albany the tenth of July next, wherein matters of Great Importance to the Safety & welfare of all his Majestys Colonies in North America will be transacted, I have at the desire of the General Assembly of this Province (a Copy of whose vote I inclose you) as also of Governor Clinton and in Consequence of his Majestys Commands to me to Joine with Governor Clinton in this Service, determined (God willing) to be Present at the interview Attended by Commissioners from this Province, and as a full Representation by Commissioners from all the Northern Colonies will have a great Tendency to Render our Negotiations with the Six Nations Successful and fix them in his Majestys Interest and Engage them in Carrying on the War against his Majestys Enemies, and as other Matters may be Transacted at the said Congress which may be for the Lasting security and Advantage of these Colonies, I do now upon p. 336
my own meer Motion and the Solicitous Desire I have that his Majestys Service upon this Continent may be Consulted in the best manner and the Interests of all his Colonies there be most Effectually Secured, as well as at the Request of the General Assembly, Earnestly desire your honour would Cause Commissioners to be sent from your Government to be Present at the aforesaid interview and to Consult and Ioyn with the other Commissioners there in transacting the Several Matters Contained and Proposed in the inclosed Copy of the before mentioned Vote

I shall write to all the rest of the English Governors from New Hampshire to Maryland, and am with great regard

Sir

Your most Obedient hble Servt

The Honble Governor Ogle. W Shirley

Lib. C. B. The Committee appointed to take under Consideration those parts of his Excellencys Speech which Relate to the meeting of the Commissioners Lately held at New York, and to the securing the Indians of the Six Nations, as also his Excellencys Message of the 31st of May, are humbly of Opinion

That it is not expedient for the Court at this time to come into any new Resolutions respecting the result of the Commissioners who lately Conven'd at New York, but that it is of Great Importance to this Government as well as to those on whose borders the Six Nations of Indians are situated that Measures should now be taken for preserving said Indians in their good affection to his Majestys Subjects, and Attachment to his Interest; and that the treaty or Interview proposed by
p. 337 his Excellency will in all Probability Greatly tend to Strengthen such affection and Attachment and as this Government have Generally appeared by their Commissioners at such Interviews, the Committee are of Opinion that three Gentlemen be now chosen by this Court to attend his Excellency the Governor and that they be impowered, in case any bounty or reward shall be found necessary in order to Encourage the Indians to acts of hostility against the French, over & above what may be allowed by his Majesty, to engage for the same on the Part of this Government agreeable to such Instructions as they shall Receive from the Court for this purpose

The Committee are further humbly of Opinion that the Gentlemen sent from this Government be instructed by the Court and fully impowered (with the Approbation of his Excellency the Governor) to Joyn with any other Governments who shall be Present at this Interview, in humbly Representing to his Majesty the distressed State of their Governments by means of the French in Canada, the necessity of the Reduction thereof, and the Inability of the Several Governments to effect the same at their own Charge, and humbly Praying his Majestys favour in allowing Forces to be raised in America for this Purpose at the Charge & in the Pay of the Crown, and to order such a number of his Majestys Ships to be sent up the River of Saint Lawrence as may be thought proper.

And that his Excellency be desired immediately to Advise the several Governors as far as Maryland of this Interview, that as many may be Present as Possible

Jacob Wendell by Order

In Council June 8th 1748 Read and sent down

In the House of Representatives June 8th 1748 Read and ordered that this Report be accepted, and that Mr Tyng
p. 338 Colonel Heath and Captain Rowell with such as the honour-

able board shall Joyn be a Committee to wait upon his Excel- Lib. C. B.
lency and Lay the same before him accordingly

Sent up for Concurrence

T: Hutchinson Spkr

In Council June 10th 1748. Read and Concurr'd and Sir William Pepperell and Samuel Danforth Esqr are Joyned in the affair

By Order of the Board Wm Pepperell

Upon reading the aforegoing Letter It is the humble Advice of this Board to his Excellency that he be pleased to send the following Answer thereto.

Annapolis 7th July 1748

Sir

Your Favour of the 11th of last Month by the Post did not reach this Place before the fourth Instant, and I have taken the first Opportunity of communicating it together with your General Courts Resolutions to the Council, But We observe that the Time fixed for the Meeting leaves Us no Room to deliberate upon any Measures which Our Willingness to comply with your Expectatns might suggest as expedient for that purpose.

We can have no Fund without the Assemblys Assistance to fulfill any Engagements or even defray the Expences of Commissionrs and repeated Experience of the Lower houses Refusal to raise any supply to secure the Friendship of the Indians would take from Us every Prospect of succeding on this Occasion, if even they could have been consulted, and Commissioners sent before the time of Meeting and more especially, as the Virginia Government is not desired by your General Court to be advised of this Interview, since the Inhabitants of that Colony will be always thought by Our Lower House p. 339
to be as nearly interested as Ourselves in keeping up a good Understanding with the Six Nations

Your Design is so much for the Service of his Majesty, and Safety of his Subjects in these Northern Plantations, that I am truly concerned I can only give you my good Wiches for it's Success

I am Sir

Wm Shirley Esqr Your most obt hble servant
Govr of New England. Sam: Ogle

At a Council held in the Council Chamber on Friday the 26th Day of August in the 34th year of his Lordships Dominion Annoq Dni. 1748.

Lib. C. B.

Present

The hon̄ble	Benjamin Tasker Esq^{r}	Daniel Dulany Esq^{r}
	Edmund Jenings Esq^{r}	Col^{l} Benjamin Tasker
	Col^{l} Cha. Hammond	Benedict Calvert Esq^{r}

His Excellency is pleased to communicate to this Board by the hands of the Clerk the following Letter and Proclamation

Whitehall 7th May 1748.

Sir

The Kings Plenipotentiary and those of his most Christian Majesty and the States General of the United Provinces having Signed at Aix la Chapelle on the 19th of April O. S. Preliminary Articles for Restoring a General Peace, and in Consequence whereof His Majesty has been pleased to Order a Proclamation to be Published declaring a Cessation of Arms as well by Sea as Land which I send you herewith Inclosed; I am Commanded by his Majesty to Signify to you his Pleasure, that you Cause the same to be Published in all the Proper places under your Government to the End that all his Majestys
p. 340 Subjects there may Pay due Obedience to, and a Strict Observance of the same.

I am Sir

Your most Obedient humble Serv^{t}

Governor of Maryland. Bedford

By the King

A Proclamation

Declaring the Cessation of Arms, as well by Sea as Land, agreed upon between his Majesty, the Most Christian King and the States General of the United Provinces, and enjoining the Observance thereof

George R.

Whereas Preliminaries for Restoring a General Peace were Signed at Aix la Chapelle on the Nineteenth day of April last O. S. by the Ministers of Us, the most Christian King and the States General of the United Provinces; And whereas, for the putting an End to the Calamities of War as soon and as far as may be Possible, it hath been Agreed between Us, His Most Christian Majesty and the States General as follows; that is to say,

That Hostilities should cease at Land within the Times, and in the manner in the said Preliminary Articles for that Purpose agreed upon; and at Sea from the Respective Times and within the Respective Places herein after Particularly mentioned

And to Prevent all Occasions of Complaints and Disputes Lib. C. B.
which might arise upon Account of Ships Merchandizes and other Effects, which might be taken at Sea; it hath been also Mutually Agreed that such Ships Merchandizes and Effects as should be taken in the Channel and in the North Seas after the Space of Twelve Days, to be Computed from the said Nineteenth day of April last, on which Day the said Preliminaries were Signed; And that all Ships Merchandizes and Effects which should be taken after Six weeks from the said Nineteenth day of April beyond the Channel, the British Seas and the North Seas, as far as Cape Saint Vincent; and for the Space of Six weeks more beyond the said Cape to the Equinoctial Line, whether in the Ocean or Mediterranean; and for the Space of Six Months from the said Nineteenth day of April beyond the said Equinoctial Line, or Equator and in all other Places of the world, without any Exception or other more particular distinction of Time or Place should be Restored on both Sides. p. 341

And whereas Pursuant to such agreement, Hostilities have Ceased in the Low Countries, in such manner as was agreed upon by the said Preliminaries,

We have thought fit, by and with the Advice of Our Privy Council to notify the same to all Our Loving Subjects; And we do Declare, that our Royal will and Pleasure is, and we do hereby Strictly Charge and Command all our Officers both at Sea and Land, and all other Our Subjects whatsoever to forbear all Acts of hostility, either by Sea or Land against his most Christian Majesty his Vassals or Subjects, from & after the Respective times above mentioned and under the Penalty of incurring our highest displeasure

Given at Our Court at S[t] James's the fifth Day of May in the Twenty first year of our Reign, and in the year of our Lord 1748.

God Save the King

The said Proclamation and Letter being read It is the Opinion of this Board that his Excellency be pleased to cause Proclamations to be immediately sent to the several Counties with a Copy of his Majestys Proclamation annexed thereto, which were ordered by the Governor and issued in the following Words.

Maryland ss. p. 342

By his Excellency Samuel Ogle Esq[r] Governor and Commander in Chief in and Over the Province of Maryland.

A Proclamation

Whereas His Majestys Royal Commands have been Signifyed to me by his Grace the Duke of Bedford One of his

Lib. C. B. Majestys Principal Secretarys of State by his Letter of the 7th of May last, that I should Cause his Majestys Proclamation declaring a Cessation of Arms as well by Sea as Land between his Majesty the most Christian King, and the States General of the United Provinces; a Copy of which Proclamation is hereunto annexed, to be Published in all the Proper Places under My Government; I have therefore thought fit with the Advice of his Lordships Council of State to Publish this My Proclamation Strictly Charging and Requiring the Several Sheriffs of the Respective Counties of this Province at the most Publick places in their said Counties his Majestys said Proclamation immediately to Publish and Proclaim that all his Majestys Subjects within this Province may pay Due Obedience to, and Strictly Observe the same, and that the said Sheriffs fail not so to do as they will Answer the Contrary at their Peril Given at the City of Annapolis this 26th Day of August in the 34th year of his Lordships Dominion Annoq Domini 1748.

At a Council held in the Council Chamber on Friday the 2d of September in the 34th year of his Lordships Dominion Annoq Dni. 1748.

Present

The hon̄ble	Benjamin Tasker Esqr	Daniel Dulany Esqr
	Col George Plater	Col Benjamin Tasker
	Col Charles Hammond	Benedict Calvert Esqr

p. 343 In Obedience to his Excellencys Commands Signifyed to the Clerk of this Board, The Deposition of Emanuel Minskie was laid before the Board, which being read and considered of; And the said Minskie having in their Opinion made an ample Confession of the Robbery and Burglary committed by him and Others in the City of Annapolis, by which Means some of the Persons concerned may be brought to Justice; He is therefore recommended by this Board as an Object of Mercy, and they desire that his Excellency will be pleased to grant him his Lordships Pardon, which issued accordingly.

Ordered that the Clerk of this Board send the following Letter to Mr Beattys One of the Magistrates of Prince Georges County

Sir

You are required by the Council to order the Goods which were taken upon the Prisoners whom you committed to Prince Georges County Goal for Felony to be brought to the Assizes to be held here on Friday the 9th Day of this Instant Septem-

ber, at which Time you must be here also. Be pleased to bring Lib. C. B.
all the Recognizances which you have taken for the Appearance of Witnesses, and immediately on Receipt hereof to issue your Warrant for Every One you are or shall be informed knows anything of the felonys committed by the Prisoners; Don't forget Kerley's Son in Law and those who were with him when the Prisoners were taken

I am Sir &c.

At a Council held at the Governors on Friday the 30th day of September in the 34th year of his Lordships Dominion Annoq Domini 1748

Present

His Excellency Samuel Ogle Esqr Governor

The Honourable	Benjamin Tasker Esqr	Daniel Dulany Esqr
	Col George Plater	Col Benjamin Tasker
	Col Charles Hammond	Benedict Calvert Esqr

Ordered by his Excellency the Governor with the Advice of this Board that the present General Assembly which stands prorogued to the second Tuesday of October next, be further p. 344
prorogued to Saturday the Twelfth Day of November next and Proclamations issued accordingly; and that then the said Assembly be dissolved, and that Writts of Election issue to call a New Assembly bearing Date 16th of February next returnable to the second Tuesday in May following

At a Council held in the Council Chamber on Wednesday the 19th Day of October in the 34th year of his Lordships Dominion Annoq Dni 1748

Present

His Excellency Samuel Ogle Esqr Governor

The honble	Benjamin Tasker Esqr	Daniel Dulany Esqr
	Col George Plater	Col Benjamin Tasker
	Col Charles Hammond	Benedict Calvert Esqr

His Excellency having communicated to this Board the Report made to him by the Judges of Assize of the Western Shoar of the Proceedings in their Circuit held in Septemr last, Whereby It appears that They had passed Sentence of Death upon Negro Tom a Boy belonging to Col Thomas Lee, and on Negro Cheshire a Boy belonging to John Lee, and on Mullato James a Slave belonging to a Certain Bayne Smallwood, for House breaking and Felony by them committed in Charles County; And also that they had passed Sentence of

Lib. C. B. Death upon Benjamin Crumpton a Servant to One Thomas Harris for House breaking and a Felony by him committed in Prince Georges County; And It also appearing to this Board by the Return of the said Justices that the Negro Boys Tom and Cheshire were not above Twelve or fourteen years old and were Objects of Mercy, but that Mullato James bore a very ill Character and had been a notorious Rogue for some years; And also that the aforesaid Benjamin Crumpton was a real Object of Compassion It is therefore the humble Advice of this Board to his Excellency that he be pleased to grant his Lordships Pardon to the afd Negro Tom and Negro Cheshire, and also to Benjamin Crumpton; And that he would be pleased to order Warrant for the Execution of the said Mulatto James; which Pardons and Warrant issued accordingly

His Excellency having received from most of the Counties Lists of the Inspectors chose by the several Vestries, and returned for his Nomination and also Recommendations from
p. 345 several Persons, is pleased to lay the same before the Board, which being read His Excellency is pleased with the Advice of this Board to approve of several, and to order Commissions to be filled up accordingly

31st October 1748

Ordered by his Excellency the Governor that the following Proclamation issue

By his Excellency Samuel Ogle Esqr Governor & Commandr in Chief in and over the Province of Maryland

A Proclamation

Whereas the present General Assembly of this Province stands prorogued to the second Saturday in November next being the 12th day of the same Month, And Whereas there is no Business of Moment which requires their Attendance at that time, I have therefore thought fit with the Advice of his Lordps Council of State to dissolve the said Assembly And I do hereby dissolve the same; And to the Intent that All Persons concerned may have due Notice thereof I do hereby strictly charge and require the Sheriffs of the several Counties in this Province to make this my Proclamation publick in their said Counties in the usual manner as they will answer the Contrary at their Peril Given at the City of Annapolis this 31st Day of October in the 34th year of his Lordships Dominion Annoq Domini 1748

At a Council held in the Council Chamber on Monday the 7th of November in the 34th year of his Lordps Dominion Annoq Domini 1748 Lib. C. B.

Present

His Excellency Samuel Ogle Esqr Governor

The honble { Benjamin Tasker Esqr, Edmund Jenings Esqr, Daniel Dulany Esqr } Coł Benjamin Tasker, Benedict Calvert Esqr

His Excellency is pleased to lay before this Board the following Letter

Whitehall 28 June 1748

Sir

The Act of Accession of the King of Spain as Likewise that of the Republick of Genoa, to the Preliminaries Signed at Aix la Chapelle the 19th of April O: S: 1748., having been Signed there by their Respective Plenipotentiaries on the 28 Instant N. S. in Consequence of which Hostilities are to cease, as Well by Sea as Land, according to the Terms and Periods agreed upon for a Suspension of Arms in the Treaty Signed at Paris the 19th day of August N. S. 1712, I herewith Inclose to you a literal Translation of the Clauses of the said Treaty of the 19th of August N. S. 1712, which relate to this Matter, and which together with my Letter of the 7th of May last, and the Copy of his Majestys Proclamation, which was therein inclosed will Serve for your Information, and for the Rule of your Conduct on this Occasion; And you are to give Proper Directions to the End that all His Majestys Subjects in your Government May pay due Obedience to, and Strictly Observe the same. p. 346

I am Sir

Your Most Obedient humble Servant

Bedford

Translation of the third Article of the Treaty for a Suspension of Arms for four Months, made and Concluded at Paris between Anne Queen of Great Britain and Lewis the 14th King of France, at Paris the 19 day of August 1712

To prevent in Like manner, all Subjects of Complaints and of Contestations, which may arise on occasion of Ships Merchandizes or other Effects, which may be taken at Sea during the time of the Suspension, it is Mutually agreed that such Ships Merchandizes and Effects which may be taken in the Channel and in the North Seas after the Space of Twelve days to be computed from the signing of the said Suspension shall be Restored Mutually

Lib. C. B. p. 347 That the Term shall be of Six Weeks for Prizes made from the Channel, the British Seas and the North Seas as far as Cape S^{t} Vincent

And in Like manner of Six weeks from and beyond that Cape as far as the Line whether in the Ocean or in the Mediterranean

Lastly of Six Months beyond the Line and in all other Parts of the world without any Exception or other more Particular distinction of time and of Place.

Which being Read It is the humble Advice of this Board that his Excellency be pleased to cause Proclamations to issue to the Several Counties of this Province; which being prepared issued as follows

Maryland ss.

By His Excellency Samuel Ogle Esq^{r} Governor & Commander in Chief in & over the Province of Maryland

A Proclamation

Whereas his Majestys Royal Commands have been Signifyed to me by his Grace the Duke of Bedford One of his Majestys Principal Secretarys of State by his Letter of the 28th of June last Signifying the Act of Accession of the King of Spain, as Likewise that of the Republick of Genoa to the Preliminaries Signed at Aix la Chapelle the 19th of April O. S. 1748 and which was Signed there by their Respective Plenipotentiaries on the 28 of June last N. S. In Consequence of which Hostilities are to cease as well by Sea as Land according to the Terms and Periods Agreed upon for a Suspension of Arms in the Treaty Signed at Paris the 19th of August N. S. 1712 Viz. That all Ships Merchandizes and Effects taken in the Channel and in the North Seas after the Space of Twelve days to be Computed from the signing of the said Suspension shall be p. 348 Restored Mutually: That the Term shall be of Six Weeks for Prizes made, from the Channel, the British Seas and the North Seas as far as Cape S^{t} Vincent, and in Like manner of Six weeks from and beyond that Cape as far as the Line, whether in the Ocean or in the Mediterranean; Lastly of Six Months beyond the Line, and in all other Parts of the world without any Exception or other more Particular Distinction of Time and of Place; and Directing that the same should be made Publick in my Government I have therefore thought fit by and with the Advice of his Lordships Council of State to issue this My Proclamation Strictly Charging and Requiring the Several Sheriffs of this Province at the most Publick Places in their

said Counties the same immediately to Publish and Proclaim Lib. C. B.
that all his Majestys Subjects within this Province may Pay Due Obedience thereto and Strictly Observe the same as they will Answer the Contrary at their Peril Given at the City of Annapolis this 7th Day of November in the 34th year of his Lordships Dominion Annoq Domini 1748.

At a Council held at the Governors on Tuesday the 21st Day of December in the 34th year of his Lordships Dominion Annoq Domini 1748.

Present

His Excellency Samuel Ogle Esqr Governor

The hon̄ble { Benjamin Tasker Esqr, Edmund Jenings Esqr, Coł Charles Hammond } { Daniel Dulany Esqr, Coł Benjamin Tasker, Benedict Calvert Esqr }

His Excellency is pleased to lay before this Board the following Letters.

Whitehall June 8th 1748

Sir

Inclosed We send you a Printed Copy of An Act Passed p. 349
here in the last Session of Parliament for encouraging the making of Indico in the British Plantations in America which We hope will Promote the Cultivation of this Valuable Commodity in all his Majesty's Colonies where the same is, or may be Produced

If therefore there now are or hereafter shall be any Plantations of Indico, within the Province under your Government, We recommend it to your Particular Care, that the Several Provisions of this Act be honestly and Punctually complied with; and you are to Transmit to Us an Account of the said Plantations, the Names of the Planters, with the Quantity of Indico they make, as also the Quantity of such Indico Exported, distinguishing the time when, and the Port where Shipped, the Names of the Vessels, and the Ports to which bound

And if there be any foreign Indico imported into your Province you are also to transmit to Us, an Account of such foreign Indico Imported, distinguishing the Quantity, and the time when imported, together with an Account of such Indico Exported, distinguishing the time when and the Port where Shipped, the Names of the Vessells and the Ports to which bound.

These Accounts you are desired to send Regularly every six Months, that We may be as exactly Informed, as the Nature of the thing will Admit; of every Increase or decrease of the

Lib. C. B. Quantity of Indico Produced in, and exported from his Majestys Plantations in America.

We Likewise send you inclosed an Act Passed in the 20th year of his Present Majestys Reign, Entituled "An Act to extend the Provisions of an Act made in the 13th year of his Present Majesty's Reign Entituled An Act for Naturalizing
p. 350 foreign Protestants and Others therein mentioned as are Settled or shall Settle in any of His Majestys Colonies in America, to other foreign Protestants who conscientiously scruple the taking of an Oath. So we bid you heartily farewell and are

Your very Loving Friends & humble Servants

T Pitt
J Grenville
Dupplin

Samuel Ogle Esqr Deputy Governor of Maryland

Whitehall June 8th 1748

Sir

I am directed by my Lords Commissioners for Trade and Plantations to send you the inclosed heads of Enquiry and to desire your Particular Answer thereto as soon as may be, together with your Observations upon such Points as you shall think necessary; and you are desired to make a Return thereto every Six months, that their Lordships may be Apprized of any Alterations which may happen in the Circumstances of your Government

I am Sr

Your Most Obedt humble Servt

Tho: Hill

Samuel Ogle Esqr Lieut Governor of Maryland

Queries from the Board of Trade to Samuel Ogle Esqr Lieutenant Governor of Maryland

What is the Situation of the Province under your Government; the nature of the Country, Soil and Climate, the Latitudes & Longitudes of the most Considerable Places in it, or the Neighbouring French or Spanish Settlements? Have those Latitudes and Longitudes been Settled by Good Observations, or only by common Computations and from whence are the Longitudes Computed?

What are the Reputed Boundaries, and are any Parts thereof Disputed, what Parts and by whom?

p. 351 What is the Constitution?

What is the Trade of the Province, the number of Shipping their Tonnage, and the Number of Seafaring men, with the Respective Increase or diminution within Ten years Past?

What Quantity and Sorts of British Manufactures do the Inhabitants annually take from hence? Lib. C. B.

What Trade has the Province under your Government, with any foreign Plantations or any Part of Europe besides Great Britain? How is that Trade Carried on? what Commodities do the People under your Government send to, or Receive from foreign Plantations?

What Methods are there used to Prevent Illegal Trade, and are the same Effectual?

What is the Natural Produce of the Country, Staple Commodities and Manufactures besides Tobacco? and what Value thereof in Sterling Money May you annually Export?

What Mines are there?

What is the Number of the Inhabitants Whites and Blacks?

Are the Inhabitants Increased or decreased within the last Ten years, how much, and for what Reasons?

What is the Number of the Militia?

What Forts and Places of Defence are there within your Government & in what Condition?

What number of Indians have you, and how are they Inclined?

What is the Strength of the Neighbouring Indians?

What is the strength of your Neighbouring Europeans, French or Spaniards?

What Effect have the French or Spanish Settlements on the Continent of America, upon his Majesty's Plantations, Especially on your Province?

What is the Revenue arising within your Government, and how is it Appropriated?

What are the Ordinary & Extraordinary Expences of your Government?

What are the Establishments Civil and Military within your Government, and by what Authority do the Officers hold their Places? p. 352

Upon reading and considering the aforegoing Letters and Queries and in Order to enable his Excellency to make as exact an Answer thereto as possible It is Ordered that the Clerk of this Board send to the Colonels of the several Counties, and also to the Sheriffs the following Orders which were sent accordingly

By the Governor and Council
21 December 1748

In Obedience to his Majestys Commands signifyed to the Governor by the Lords Commissioners for Trade and Planta-

Lib. C. B. tions in Order to know the Number of Militia in this Province, It is Ordered that the Colonels of the Several Counties require an immediate Account to be taken of the Several men enlisted in the Militia of their Respective Counties, and that they Return the same to this Board as soon as Possibly they can

Signed p Order &c.

By the Governor and Council
21 December 1748

Sir

In Obedience to his Majestys Commands signifyed to the Governor by the Lords of Trade, you are hereby Required to serve each particular Constable of the several hundreds within your County with a Copy of the within Order to them directed, and when they have made a Return to you of the List of Inhabitants, you are immediately to transmit the same to the Governor

Signed p Order &c.

By the Governor and Council
21 December 1748

Sir

In Obedience to his Majesty's Commands Signified to the Governor by the Lords Commissioners for Trade and Planta-
p. 353 tions, you are hereby Required to Transmit to the Sheriff of your County as soon as Possibly you can the Number of all the Inhabitants Men Women and Children White and Black in Separate Columns that are within your hundred in order for his laying the same before the Governor and Council

Signed p Order &c.

To the respective Constables of Each
hundred in the County of

Ordered that the Clerk of this Board draw an Order on the honourable Col Charles Hammond Treasurer of the Western Shoar payable to Mr John Raitt, or Order, late Armourer of this Province for the sum of Thirty pounds fourteen shillings and seven pence Sterling being for 14/mo and 20 Da Salary from 11th of July 1747 to the 30th of September 1748 at the Rate of 25 £ p Annum to be paid out of the Fund of 3d p hhd for Arms &c

At a Council held at the Governors on Monday the 30th day of January in the 34th year of his Lordships Dominion Annoq Domini 1748.

Present Lib. C. B.

His Excellency Samuel Ogle Esq[r] Governor

The hon̄ble	Benjamin Tasker Esq[r]	Daniel Dulany Esq[r]
	Edmund Jenings Esq[r]	Col Benjamin Tasker
	Col Charles Hammond	Benedict Calvert Esq[r]

Ordered that the following Proclamation issue to the several Counties of this Province

Maryland ss.

By his Excellency Samuel Ogle Esq[r] Governor and Commander in Chief in and Over the Province of Maryland.

A Proclamation

Whereas several well meaning People of this Province have been misled into a belief that his Lordship had not Given his p. 354 Approbation to the Act Entituled An Act for amending the Staple of Tobacco, for Preventing frauds in his Majestys Customs and for the Limitation of Officers fees, which Approbation I received during the Sitting of the last Session of Assembly, and Signifyed the same to the late Lower House by a Message to the Speaker of the said House; but as by some Accident the same is not Inserted among the Printed Proceedings of the said Assembly; I have therefore thought fit with the Advice of his Lordships Council of State to Publish and declare his Lordships Approbation of the said Law, And to the Intent that all Persons Concerned may have due Notice thereof I do Strictly Charge and Require the Several Sheriffs of this Province to make this my Proclamation Publick in their Respective Counties in the Usual manner as they will Answer the Contrary at their Peril Given at the City of Annapolis this 30[th] day of January in the 34[th] year of his Lordships Dominion Annoq Domini 1748.

At a Council held at the Governors on Thursday the tenth day of February in the 34[th] year of his Lordps Dominion Annoq Domini 1748

Present

His Excellency Samuel Ogle Esq[r] Governor

The honourable	Benjamin Tasker Esq[r]	Daniel Dulany Esq[r]
	Edmund Jenings Esq[r]	Col Benjamin Tasker
	Col Charles Hammond	Benedict Calvert Esq[r]

His Excellency is pleased to lay before this Board the following Papers

Lib. C. B. Cecil County ss.

Robert Mitchel being sworn upon the holy Evangels of
p. 355 Almighty God Saith that about Twelve Months ago Joseph England in Company with Mr Benjamin Chew and some Others came to the Dwelling house of the said Deponant and Ordered him immediately to Leave the land after some Conversation about the affair Mr Chew said that he had formerly Surveyed that Land for Henry Baker but on Joseph England Claiming the said Land he Refused any further Proceedings and nothing more happened till the last day of March last past when the said Joseph England in Company with his Son Samuel England and William Hay Sub Sheriff of Chester County in Pensilvania came to the Dwelling house abovesaid And the said William Hay made an Arrest in the Kings Name at the Suitt of the said Joseph England on the said Deponant in the Sum of Two hundred Pounds Current Money of Pensilvania for Damages done on the said Land And then Proceeded all in Company towards Chester Court house or Prison with the said deponant who at that time was fully Resolved to go to said Prison but on their Calling at Edward Mitchels Tavernkeeper in Nottingham was there perswaded and accordingly did give his Obligation for the Sum of Ten Pounds Ten Shillings in Order to Procure his Releasment Payable to the said Joseph England and as he Paid for Damages done on said Land and at the same Time the said Joseph England gave the said Deponant a Note of hand to free him from the County Tax The said Deponant further Saith that the said Land whereon he Lived was always deemed to be Part of Susquehanah (otherwise called Talbot) Manor and had ever been held under a Maryland Right and is at Least as he believes two Miles to the Southward of the Last
p. 356 Line run between the two Proprietaries And on the same Last day of March aforesaid the said Joseph England and Sub Sheriff in a formall manner dispossessed the above Deponant and the said Joseph England took Possession of the Premisses as his Land held under Pensilvania

Sworn before me this 13th day of December 1748

Nathan Baker

As nothing Appears to me that it's the Governors Request to take the within Deposition and not knowing what May be the Consequence desire to be Excused

James Baxter

March the thirty first 1748

These are to Certify that I Joseph England doth engage to free Robert Mitchel from paying any Levys that arises from

the Premisses that he now Sets on they being the Property of the said Joseph England that is to Say from the year 1746 to this Present Date above written as Witness my hand Lib. C. B.

Test Joseph England
William Hay Sub Sheriff

Robert M[c]fadien being Sworn upon the holy Evangels of Almighty God Saith that Joseph England in Company with his Son Samuel England and William Hay Sub Sheriff of Chester County in Pensilvania on the Last day of March Last past Came to the dwelling house of Mary M[c]fadien Mother to the said Deponant and there after asking the said Deponant if he had anything to offer against their taking Possession of the Premisses who was then Lying very Sick in Bed answered that he had nothing to do with the Premisses all other part of the family being from Home The said Sub Sheriff by walking out of the Door and Shutting the Door after him said I give Joseph England Possession of the Premisses as I gave him Possession of the Other Tenements at which time the said p. 357
Joseph England Continued in the house with the door Shutt The above mentioned Tenement of Land Lyes next Adjoyning to Robert Mitchel and was always Deemed to be part of Susquehannah (otherwise called) Talbot Mannor and ever Possest under Maryland and as the Deponant believes is at Least two Miles to the Southward of the Last Line Run between the two Proprietaries

Sworn before me this 13th day of December 1748
Nathan Baker

The Deposition of John Dawson aged about Seventy four years and a Resident Adjoining Margaret M[c]leary for near or about forty years he being one of first Settlers in Nottingham Saith that John Hance Steelman took up two hundred Acres of Land in Talbot Manor being the Plantation where Joseph England now Lives the Right of which he sold to James Brown the father of William Brown who Lived on it Several years and Paid Customs and dutys to Maryland afterwards the said William Brown Added three hundred acres to the aforesaid two hundred acres as he said All under a Maryland Right one of which he sold to one Jones commonly called the Welshman for the sum of Sixty Pounds Gold Money for which he was to make a Sufficient Deed under Maryland but never did only put him in Possession thereof The said Jones afterwards Conveyed his Right to the use and Possession of John Lackland and the said John Lackland sold it to Henry Baker who sold it to Robert M[c]leary the Relict of whom Lives on it to this day and the aforesaid Land is deemed and

Lib. C. B. p. 358 Possest under My Lord Baltimore and ever was since the first taking up as also the above Two hundred acres taken up by John Hance Steelman was Possest under Maryland by the said John and afterwards by William Brown then by William Jones and by none in Pensilvania till bought by Joseph England which is about Twenty four years ago or thereabouts the above Deponant being one of the People called Quakers on his Solemn affirmation Saith that the above Particulars is the whole truth to the best of his knowledge; Taken before me one of his Lordships Justices of the Peace for said County this Twenty Second day of November 1748

Nathan Baker

Samuel Dawson on his Oath Saith that he Remembers all the within Particulars Except what Relates to John Hance Steelman which he does not Remember as he imagins because of his non age Sworn before me one of his Lordships Justices of the Peace for Cecil County this 22^{d} day of October 1748

Nathan Baker.

Samuel Dawson aged about forty four years and have ever since Lived near to the Plantation where Mary M^{c}fadien now Lives and Remembers that about thirty years ago a Dutchman Settled that said Place and made some small Improvement after which he Sold the said Premisses to Thomas Hamton who Sold it to Joseph Hallawday who as it is said Sold it to Henry Baker who for Several years Rented it to Mary M^{c}fadien and the said land ever has been deemed and Possest in Maryland and is so to this day Tho' of Late has been Claimed by Joseph England by a Pensilvania Right Tho' by what Reason I know not The above Particulars Sworn to by the said Samuel Dawson before me one of his Lordships Justices of the Peace for said County October 22^{d} 1748.

Nathan Baker

p. 359 The following Letter to the Governor of Pensilvania being read is approved of, and the Board desire his Excellency will be pleased to transmit Copies of the aforegoing Depositions with the said Letter

Annapolis 10th february 1748.

Sir

As the Inclosed Papers relate to the Peace of both Provinces, I am persuaded you would desire to have the Earliest Notice of what might Interrupt it.

These Copys of affidavits will Inform you, that two Persons Lib. C. B.
in Possession of Lands two Miles to the Southward of the Temporary Line held under this Government many years before and in, and ever Since the year 1738, were about a year ago forcibly turned out of their Possessions and one of them Carried under Confinement into Nottingham And there Compelled to Enter into a Bond for the Payment of Ten Pounds Ten Shillings in Order to Procure his Releasment and Prevent an Imprisonment in Chester Goal: This Outrage appears to have been Comitted by one William Hay Sub Sheriff of Chester County on behalf of Joseph England who then set up a Claim to the Land And was also Present with his Son Samuel England.

Joseph England is Lately dead and his son Samuel having from a Sense of his mistaken Claim Applyed for his Lordships Lease of all or such Part of those Lands as the Agent may think Proper to give him, I need not trouble you about the future Possession; But that unwarrantable behaviour of William Hay as well as of Samuel England (who is an Inhabitant of Chester County) so Plainly in disobedience to the 3^{d} Article of the two Proprietories Agreement Confirmed and inforced by his Majestys Order of the 20th May 1738, Leaves me no Roome to doubt of your Assistance not only in dis- p. 360
couraging any future Violence of the Like kind but also for bringing the Present offenders to Justice the next April Assize Court of Cecil County of this Province where a Presentment some time ago was made against them

I think myself Indispensibly Obliged to be the more Earnestly Pressing on this Point by his Majestys Order of the 18th of August 1737. Injoyning the Governors of these two Provinces upon pain of incurring his highest Displeasure not to Permit or Suffer any Tumults Riots or Other Outragious disorders to be Comitted on the Borders of their Respective Provinces but that they do immediately put a Stop thereto and Use their utmost Endeavours to Preserve Peace &c. This part stands Confirmed by the Subsequent Order of 1738.

As a Strict Complyance with these Orders must be Attended with Peace to the people and a good understanding Between Our Selves, you may be assured of every Endeavour in my Power to Attain those Ends

I am Sir

Your Most Ob^{t} humble Serv^{t}

Sam: Ogle

At a Council held in the Council Chamber on Wednesday the 22^{d} Day of February in the 34th year of his Lordps Dominion Annoq Dni 1748

Lib. C. B

Present

His Excellency Samuel Ogle Esq^{r} Governor

The hon$\bar{n}$ble { Benjamin Tasker Esq^{r}, Coł George Plater, Edmund Jenings Esq^{r}, Coł Charles Hammond } { Daniel Dulany Esq^{r}, Coł Benjamin Tasker, Benedict Calvert Esq^{r} }

p. 361 The following Depositions were returned to this Board by the Justices of Calvert County

Calvert County ss

Ellis Slater Deputy Clerk of the County af^{d} answers to the several Questions upon Oath as follows

Quest. 1st Hath it been the Custom of the Justices of your County to order their Clerk or his Deputy to make Returns on Writts of Certiorari

Ans^{r} It has been the Practice for the Clerk to make all Returns

2^{d} Did they order you to make Return on that produced by Samuel Harrison a Wardrop & Graham last June Court and what Return did they order thereon

Answer. They did order me to make Return on that Writt, that because the said Wardrop and Graham by Thomas Clark their Attorney had petitioned that a Judgment of Non pross or discontinuance of the Action by them brought in said Court against said Harrison with Cost might be entered against them, that therefore It was their Opinion there was no Action then existing between the said Parties, and therefore could not allow of said Writt of Certiorari

3^{d} Why did not you make Return thereon as ordered

Answer. Because Samuel Harrison forbid me, and hindered me therefrom, by taking the Writ into his Custody, saying I should not, It was their Business, and if they were such fools as not to know it, he did, He should take Care of the Writ, and as this Respondent was told last Provincial Court, there was no Return thereof.

4th Did not receive you from M^{r} Edward Dorsey Attorney
p. 362 for M^{r} Onorio Razolini two declaratory Bills on two protested Bills of Exchange with Orders to file copy and dockett the same against Samuel Harrison Clerk of Calvert County Court in the usual manner the Law directs

Ans^{r} I did and shewed them to M^{r} Harrison who forbid me to do the same

5th Did not some of the Justices of the County af^{d} on the day after the Court house was burnt apply to M^{r} Harrison to inspect what Damage the Records had sustained and that He refused to suffer them so to do

Ans[r] To the best of my Remembrance M[r] Weemes D[r] Lib. C. B.
Somerville and Major William Ireland did apply and desire to see the Records but said Harrison refused, locking the Door where the same was lodged and put the Key in his Pockett and carryed the same home, afterwards the Gent[n] aforesaid appointed to meet some days after and Ordered this Respondant to Acquaint M[r] Harrison thereof & desire him to meet them or send the Key. This Respondant did acquaint said Harrison according to Request, but he neither met them nor sent the key as he was desired

Calvert County ss[t] January 11[th] 1748 Then the aforegoing named Ellis Slater Deputy Clerk of Calvert County Court being sworn on the Holy Evangelists of Almighty God to the Answers in the foregoing Interrogatories upon him Imposed declares the same to the very best of his Remembrance to be Just & true Matter of fact. Sworn to before me the date Abovesaid

David Arnold

Calvert County ss[t] The Deposition of Thomas Ireland Jn[r] aged forty years or thereabouts being first Sworn on the holy Evangelists of Almighty God Deposeth as follows Viz.

That in the month of February Last he was in Company with M[r] Samuel Harrison Clerk of the County Court afore- p. 363
said at a certain Mary Parkers at Prince Frederick Town when the said Harrison Raised a discourse about Persons under the British Governments Acting in an Arbitrary and unlawful manner, in Particular that a certain Captain Cornish had used a Person that was detained aboard the Vessell he Commanded as a Ransomer very ill, in taking, or suffering his People, to take away all his Cloaths and Expressed himself in the following words as near as this Deponent can Charge his Memory with, that We complained of Our Neighbours being in a State of Slavery, but by God he could not see we were in a better, or where the difference was, only this, if the King of France wanted a Sum of Money and knew his Subjects had it he would Command it from them, and if the King of England wanted a Sum of Money he would make his Parliament give it him and yet We bragg'd truly of Our Great freedom And farther this Deponent saith not.

Tho[s] Ireland Jn[r]

The Above deposition taken before me this 14[th] day of January 1748/9

David Arnold.

Lib. C. B. All Saints Parish in Calvert County

I hereby Certify that Mr Samuel Harrison Clerk of said County attended divine worship three Sundays in my Church in Eight or Nine years past Since he has been my Parishioner; I do further declare that none of his Children were Baptized by me Witness my hand this 18th day of January Anno Domini 1748/9

Ja: Williamson

It not appearing to this Board that Mr Harrison had Notice of, or was present at the taking the said Depositions, Ordrd that the Consideration of the Justices Remonstrance against him be put off until the 18th of May next, and that the following Lre be sent to the said Justices.

22d febry 1748

Gentlemen.

I am directed by the Governor & Council to inform you that
p. 364 upon Considering your Remonstrance presented to the Governor in Relation to the Behaviour of Mr Samuel Harrison and the Depositions returned to me which were laid before them they have Adjourned the further Consideration thereof untill Tuesday the 18th of May next and they desire that such Depositions as are to be Read at the Board may be taken before a Magistrate and that Mr Harrison may have Notice of the time and Place of such Persons being Examined, in order if he thinks Proper to cross Examine them, or that you send up for Summons for such Persons as you shall think proper in order to their being Examined at the Council Board on that day at which time Mr Harrison is Likewise ordered to attend

I am Gentlemen
Yr very humble Servant
To the Worshipful the Justices of Calvert County. J Ross

At a Council held in the Council Chamber on Tuesday the 16th of May in the 35d year of his Lorships Dominion Annoq Dni 1749

Present

His Excellency Samuel Ogle Esqr Governor.

The hon̄ble { Benjamin Tasker Esqr, Coll George Plater, Edmund Jenings Esqr } { Daniel Dulany Esqr, Benedict Calvert Esqr }

His Excellency having communicated to this Board the Report made to him by the Justices of Assize of the Western

Shoar of the Proceedings in their Circuit held in September last, whereby It appears that they had passed Sentence of Death upon three white men, namely, William James George Simonett and William Jones and on One Negro man called Ignatius the Slave of the Reverend M^r^ Hugh Deans of Baltimore County for breaking open the Store house of a certain William Dallam of the s^d^ County, and stealing Goods to a considerable Value; and also that they had passed Sentence of Death upon Negro Phill the Slave of M^r^ Thomas Baldwyn of Ann Arundel County for breaking open the Storehouse of M^r^ Thomas Worthington in the s^d^ County and stealing several Goods from thence to the Value of about Ten Pounds sterling; and that they had passed Sentence of Death at Calvert County Assizes on Benjamin Tucker and a Negro Man named Roger for breaking the Storehouse of M^r^ Ireland and taking from thence about the Value of Six Pounds sterling; and at Charles County Assizes that they had passed Sentence of Death upon a certain Thomas Compton for Horse Stealing, And It also appearing to this Board by the Return of the said Justices that in Baltimore County William Jones had made a voluntary Confession of his Crime, and that a Magistrate of the said County had promised to intercede for a pardon for him, & that Negro Ignatius was an Object of Mercy, It is therefore the humble Advice of this Board to his Excellency that he be pleased to grant a pardon to the said William Jones and to Negro Ignatius and to order Warrants to issue for the Execution of William James and George Simonett: And It appearing that in Ann Arundel County upon Application of M^r^ Thomas Baldwyn to spare the Life of his Negro called Phill upon Condition of his being immediately transported out of the Province It is ordered with the Advice of this Board that a Pardon issue accordingly: And it appearing likewise in Calvert County by the s^d^ Return that Benjamin Tucker was a young man, and this his first Offence and that the Negro was an Object of Mercy, and a Petition being preferred to this Board, signed by many of the Inhabitants of the said County praying that the Life of the said Benjamin Tucker may be spared It is ordered that a Pardon issue for Negro Roger, and also that a Pardon issue for Benjamin Tucker upon his leaving the Country within One month from this Day, or that he give Security for his good Behaviour in the sum of Two hundred Pounds Currency for Three years; And It is also Ordered that Pardon issue for Thomas Compton of Charles County upon his leaving this Province in a fortnight, All which issued accordingly

Lib. C. B. p. 365 p. 366

Lib. C. B. At a Council held in the Council Chamber on Thursday the 18th Day of May in the 35th year of his Lordships Dominion Annoq Dni 1749

Present

His Excellency Samuel Ogle Esqr Governor

The honble { Benjamin Tasker Esqr, Coll Charles Hammond; Coll George Plater, Daniel Dulany Esqr; Edmund Jenings Esqr, Benedict Calvert Esqr }

Read the following Remonstrance of the Justices of Calvert County presented to his Excellency

November 15th 1748

Sir

It was the design of every Magistrate of this Court to have waited upon your Excellency at the last Provincial Court where all of Us that was able were Obliged to Appear being arrested as Criminalls and Ordered to be immediately brought before their Honours for a Contempt of the Process of that Court, In order to have Laid that affair before your Excellency but as we was then disappointed beg Leave to Trouble your Excellency with a Short but true account of that affair and other the Behaviour of Our Clerk in his Office to the Court and Government. In June Court a Bill was filed by Wardrop & Graham against Samuel Harrison, but Omitting to file their Account with the Bill as the Law directs they could not support their Action Mr Clarke their Attorney Observing the mistake told them they must have a non pros Entered against themselves and pay all Cost and bring their Action anew but
p. 367 Harrison Preceiving the Slip in their Proceedings sent an Express to Annapolis for a Writt of Certiorari at the same time Pretending to pay them immediately but before the Writ of Certiorari was Produced to the Court the Entry aforesaid was Ordered to be made and would been made had it not been Samuel Harrisons own Action and his Actually forbiding his deputy to make it however the Court Ordered it to be made and the Writt aforesaid to be returned

Viz. that before that Writt was Legally Product to the Court the Action therein mentioned was out of Court, But that Gentlemen who had taken upon him to hinder his deputy from Entering the Record of the Court Likewise forbid him to make any Return on the Writt by means whereof on his basely Complaining We had not done him Justice (when in fact he was deceitfully Endeavouring to defraud his Just Creditors) was the reason we were put to so much unnecessary trouble, had this Sir been the only Indignity and ill Treatment he had offered to this Court We could Easily for-

give it but when we Reflect upon the many base and unpar- Lib. C. B.
donable faults he has been Guilty of to the Court in his Office and to the Government We beg Leave to trouble your Excellency a Little further till We Inform you that some time since he used the Court in such Contemptible manner that we were Obliged to represent it to the Late Governor who gave him a very Severe repremand and threatned to turn him out of his Office, which had no other Effect on that Gentlemen than to make him more Insolent and to say to some of his Confidents he believed he should been turned out of his Office if the Governor durst do it; We beg Leave further to Inform your Excellency he has Ordered his deputy at times not to Enter Actions brought against him by his Creditors as was the Case when M^r^ Razolini Ordered a Bill to be filed against him and now forbids another by M^r^ Thomas Reynolds; Add to these his Refusing the Justices to Inspect what damages the Records p. 368
had sustained by the late Melancholy Accident of Burning our Court house which any other Person but himself would desired us to have done for his Own Safety; and his disaffection to the present happy Establishment of our Government which too plainly Appeared at Our Last April Assize Court, & would more plainly Appeared so, if the Principal Evidence had been called on, who took down in Writing from his mouth these very words Viz. We Complained the French Subjects were in a State of Slavery (but by God he could not see we were in better) for the difference was only this if the King of France wanted a Sum of Money he would Command it from his Subjects and if the King of England wanted a Sum of Money he would make his Parliament give it him and yet We bragg truly of Our great freedom; That this Person is realy disaffected to Our Government further appears by his Children being Baptized by Roman Priests and his Constantly frequenting Gentlemens houses when and where the Roman Communion is Exercised and scarce ever being Seen in his Parish Church or any Other Church of England; In short Sir while this Person Continues in his Office We or any other Justices of this Court will be in Continual danger of being called before other Courts of higher Judicature for his own faults and Malepractice in his Office not ours nor can we believe any Person who has a Property in the Records can be Safe whilest they Remain in his hands all which we think Our duty to Lay before your Excellency not doubting of your Care to take such Steps as will Effectually prevent his further vexing this Court or Injuring any concerned in the Records or Proceedings thereof, So Returning Your Excellency Our hearty thanks for the many marks of favour Conferred on us, and Requesting you will be pleased to Appoint

Lib. C. B. Other Justices in our Stead as it seems impossible we can Act any Longer with either Safity or Honour whilest this Person is Clerk We beg Leave to Subscribe Our Selves Your Excel-
p. 369 lencys much Obliged and Obedient humble Servants
Gabriel Parker Peter Hellen John Clare William Ireland
Ja^{s} Duke Stutton Isaack John Smith Young Parran
James Weems Thomas Ireland jun^{r}

Some of the Justices of the said County as Likewise M^{r} Harrison Attending this day in pursuance of a former Order of this Board and the aforegoing Remonstrance being read and Several Witnesses Examined as well to make good the Matters contained therein as Also on behalf of M^{r} Harrison and M^{r} Harrison being Likewise heard by his Council, And upon considering the said Remonstrance and Depositions as also the Arguements of the Council It is the Opinion of this Board that the said M^{r} Harrison ought to be displaced from his Office as Clerk of Calvert County Court: It is therefore recommended to the honourable the Secretary to displace him accordingly

Read the following Petition

To His Excellency Samuel Ogle Esq^{r} Governor and Commander in Chief in and Over the Province of Maryland And to the Honourable his Lordships Council

The Humble Petition of the Subscribers

Most Humbly Sheweth

That Your Petitioners Inhabitants of Coventry Parish Part whereof Lyes in Somerset County and part in Worcester County being all Professors of the Church of England as by Law Established, (and desirous of hearing divine Service Performed and Sermons Preached for their Edification as becomes Christians) are nevertheless debarred thereof by means of Captain John Williams Captain John Dennis Captain Sampson Wheatly M^{r} Samuel Adams and M^{r} William Duett Vestrymen and M^{r} Collins Adams and M^{r} William Smith Church wardens of said Parish denying your Petitioners the Liberty of the Church and Chapple of Ease for that purpose Provided by the Parishioners Contrary as your Petitioners
p. 370 Humbly conceives to their Rights and Priviledges as Christians and Contributers to the Publick Charge of said Parish

Wherefore your Petitioners Most humbly Pray Your Excellency and Honours will Graciously be pleased to take the unhappy Condition of your Petitioners into your wise and Serious Consideration and so hear & determine the case, as

that your Petitioners may not be unjustly deprived of the Sacred Rites and Priviledges of the Gospel of Jesus Christ but may have free access thereto at the discretion of the Reverend Nathaniel Whiteker Rector of the said Parish Acting as becometh his Function in due Subjection to the Canons and Constitutions of the Church of England in that behalf Lawfully Established and Promulged. Lib. C. B.

And Your Petitioners as in duty bound shall ever Pray &c^{a}
August 31st 1748.

Signed by Thomas Lambden & forty Nine more.

Upon reading the said Petition This Board is of Opinion that They have no Authority to use any compulsive Means, but that the Petitioners Remedy is at Law.

At a Council held in the Council Chamber on Wednesday the 14th Day of June in the 35th year of his Lordships Dominion Annoq Dni 1749

Present

His Excellency Samuel Ogle Esq^{r} Governor

The hon̄ble { Benjamin Tasker Esq^{r}, Coł George Plater, Coł Charles Hammond, Sam^{l} Chamberlaine Esq^{r} } { Philip Thomas Esq^{r}, Daniel Dulany Esq^{r}, Richard Lee Esq^{r} }

His Excellency is pleased to lay before this Board the following Letter received from the Governor of Virginia.

Williamsburgh 25 May 1749

Sir

I thought my self indispensibly obliged to give you the most Speedy Information of a Piece of Villainy lately Committed and to Request the favour of you to exert your Authority towards apprehending the Offender if in your Government that he may be Proceeded against according to Law, and Receive the Punishment due to his Iniquity p. 371

A Vessel from the Isle of May bound to your Province calling at Hampton in her Passage up the Bay, the Commander of our Station Ship Captain Maisterson dispatched his Boat to enquire what news, and get some hands out of her, His Crew no sooner was on Deck than most of the Sailors entered Voluntarily into his Majestys Service and the Boat returning with them to the Man of War they immediately desired Captain Maisterson to demand their Wages of their former Master who they said was a Rogue for he had then in his Ship

Lib. C. B. Six Negroes whom by Stealth he brought from the Isle of May. Captain Maisterson informing me thereof, I advised him to a Court of Admirality in which he would certainly have a decree for the Mens Wages and for the Negroes to be delivered up, and secured for the Right Owners. But the Master of the Vessel apprehending a detection of his Villainy presently sailed away to your Government. I ordered our Attorney General to send a full Account of this affair to the Attorney General in your Province but he not knowing who is in that Office told me he would write to M^r^ Jennings about it. I don't doubt but Proper Care will be taken to Prosecute so vile a fellow and so great an Enemy to the Trade and Honour of this Country. His name is Davidson in the Employ of M^r^ Philpot Merchant in London. The truth of the whole matter is confirmed by a Letter I have since received, in very bad Latin & a worse Character so that We can only discover the fact from some Person Living in that Island.

I intend home, God willing, this Summer, and if you have any Commands, they shall be Punctually Obeyed by

Sir

Your most Obedient humble Servant

Will: Gooch

Upon Reading the aforegoing Letter It is Ordered that Warrant issue for the Apprehending the said Thomas Davison and bringing him before this Board immediately which issued in these Words.

p. 372 Maryland ss.

Whereas Information hath been made to Us the Governor and the Subscribers members of his Lordships Council of State met in Council at the City of Annapolis on the 14^th^ day of June Anno Domini 1749 That Thomas Davison Manner Master of the Ship Mary now Lying in Patuxent River having in his Voyage from London to this Province touched at the Isle of May under the Dominion of the Crown of Portugal did treacherously decoy six Negros belonging to the said Island to come on Board his said Ship and brought them against their Will into this Province, where the said Davison hath Sold them as Slaves in manifest Violation of Justice, and Private as well as Publick Faith.

These are therefore in his Lordships Name to Require you that immediately on Receipt hereof you Attach arrest & Apprehend the Body of him the said Thomas Davison and bring him forthwith before us at the City aforesaid to Answer unto such matters as shall be then and there Objected against

him for which this shall be your Sufficient Warrant. Dated at Annapolis this 14th day of June in the 35th Year of his Lordships Dominion Annoq Domini 1749. Lib. C. B.

[Seale] Sam: Ogle
[Seale] Benj. Tasker
[Seale] Geo. Plater
[Seale] Cha: Hammond
[Seale] Sam: Chamberlaine
[Seale] P. Thomas.
[Seale] D. Dulany
[Seale] Richd Lee.

To Mr John Gassaway high Sheriff of Ann Arundel County

The Sheriff of Ann Arundel County having brought Thomas Davison before this Board in pursuance of his Warrant the said Davison was Examined as follows.

The Examination of Thomas Davison Master of the Ship Mary now at Anchor in Patuxent River

This Examinant Saith that after his taking in a Loading of Salt at the Isle of May he went to the Island of St Jago to water where he staid two days in taking in his water and on the second day a Certain Edward Lope a Black Man and his son made an Offer of Selling to him Six Negroes or Blacks which he understood to be Slaves Whereuppon this Examinant Agreed to buy them if the said Lope would bring them on Board and this Examinant should Like them, And in the Evening of the same day the said Lope brought three Negroes in this Examinants Long Boat on Board of his Ship, and this Examinants Doctor returned with the said Lope in his Boat and fetched the other three Negroes for which said Six Negroes this Examinant Paid the said Lope in his Cabin on board of the said Ship in Money and Goods according to the Value this Examinant and the said Lope agreed they were worth. p. 373

Tho: Davison

Annapolis 14th June 1749.

At the Request of the said Captain Thomas Davison Summons issued for the Chief Mate Second Mate, Doctor and Carpenter of the said Ship and such of the Sailors as Sailed in her from England to the Isle of St Jago and from thence into this Province to Appear before this Board on Tuesday the twentieth day of this Instant June.

At a Council held in the Council Chamber on Thursday the 22d Day of June in the 35th year of his Lordps Dominion Annoq Dom. 1749.

Lib. C. B.

Present

His Excellency Samuel Ogle Esq^{r} Governor

The hon$\bar{b}$ble	Benjamin Tasker Esq^{r}	Philip Thomas Esq^{r}
	Col^{o} George Plater	Daniel Dulany Esq^{r}
	Edmund Jenings Esq^{r}	Col^{o} Edward Lloyd
	Col^{o} Charles Hammond	Richard Lee Esq^{r}
	Sam^{l} Chamberlaine Esq^{r}	Benedict Calvert Esq^{r}

The Persons summoned on behalf of Captain Davison appearing this Day were severally examined as follows

The Examination of Robert Lusk Mate of the Ship Mary whereof Captain Davison is Master and now in Patuxent River in the Province of Maryland taken before the Governor & Council of the said Province this 22^{d} day of June 1749.

This Examinant being first sworn on the holy Evangels of Almighty God deposeth and Saith That he in the said Ship arrived on the 4th of March at the Island of S^{t} Jago, that on the 6th of the same Month about two hours after sunset he being in his Cabin heard some Strangers come on board the
p. 374 said Ship, that the Captain and the said Strangers were in the Cabin making a Bargain that he heard them talking about the Price of Goods, and that he also heard the Sound of Money upon the Table; This Examinant also saith that he saw on the next Morning Six Negroes on board the said Ship That the said Ship Sailed from S^{t} Iago about five or six of the Clock in the morning, that she proved very leaky on her Voyage, and that the Six Negroes worked willingly at the Pump untill the Ship Came within One hundred Leagues of the Capes of Virginia, and that then they were not so forward to worke as before

Rob^{t} Lusk

The Examination of Charles Menzies Surgeon of the Ship Mary whereof Captain Davison is Master and now in Patuxent River in the Province of Maryland taken before the Governor & Council of the said Province this 22^{d} Day of June 1749.

This Examinant being first Sworn on the holy Evangels of Almighty God deposeth and Saith That he in the said Ship arrived from the Isle of May to the Island of S^{t} Jago One of the Cape de Verd Islands on the 4th of March last in the Evening That on the 5th of the said Month this Examinant went with the said Captain on Shoar of the said Island of S^{t} Jago and was entertained by one whom they called Captain

More being the Commanding Officer of that Port, and whilst Lib. C. B.
they were there Captain Davison seeing two young Negro
boy Slaves waiting or serving wine asked Captain More if he
would sell either one or both of the boys to which Captain
More by his Interpreter answered that he would not sell any
to the English, That after Captain Davison went from the said
Captain Mores the same day the said Interpreter took Captain
Davison aside and had some discourse with him Part of which
this Examinant heard to be that the said Interpreter had some
Negroes which this Examinant understood to be three or more
but that they were at his Mothers and he would send for them
That this Examinant with the said Davison went on board &
Returned the next day which was the Sixth day of March and
were again entertained by the said Captain More and the said
Davison demanded his money from Captain More for Goods p. 375
Davison had sold to him the Day before, that after parting
with the said Captain More the said Davison having some
Goods on Shoar to Purchase fresh Provisions he by means of
the said Interpreter bought some, and then Davison went again
to Captain More for his money and Returning to the Shoar
where this Examinant with the Carpenter were on the Beach,
the said Davison asked the said Interpreter if the said Negroes
were come to which the said Interpreter answered they would
Come soon, and then it was after sunsett thereupon Captain
Davison was going on board and this Examinant was desirous
of going with him but Captain Davison Requested this Ex-
aminant to stay untill the Interpreter should bring three Slaves
thereupon this Examinant staid and the Captain went on
board and sent his Boat back, on the Return of which Boat
the Examinant went on board of her in order to go on board
of the Ship and had Actually put off with the Boat from the
Shoar (being about two hours after Sunsett) but being at some
small distance from the Shoar the said Interpreter haled the
Boat upon which the Boat Returned to the Shoar and the In-
terpreter brought the three Negroes who together with the
said Interpreter went with this Examinant on Board, That this
Examinant had heard at the Isle of May and which this Ex-
aminant verily believes Captain Davison also knew for this
Examinant frequently mentioned it before to Captain Davison
that there was some Law or Canon of the Church as well at
the Isle of May as S^{t} Iago against selling any Slave to Heret-
icks and therefore when the said three Negroes were brought
as aforesaid on board This Examinant took Notice to Captain
Davison of such a Law or Canon, That Captain Davison
having agreed with the said Interpreter for the said Negroes
in Money and Goods the said Interpreter took the Money
and Left the Goods on board untill he should Return with

Lib. C. B. the other three Negroes and thereupon this Examinant by the express Orders and directions of Captain Davison and against the Inclination of this Examinant (he being Apprehensive of the said Law or Canon) returned in the Boat with the said Interpreter for the other three Negroes which
p. 376 the said Interpreter with his Son and this Examinant brought on Board about four hours after Sun sett and when they were come on Board this Examinant had some doubts whether the said Six Negroes were the Property of the said Interpreter who by repeated Solemn asseverations assured Captain Davison they did belong to him, after which Cap^{t} Davison Proceeded to Value each Negro and when the Price was fixed this Examinant saw the Money paid and Goods delivered by Captain Davison to the said Interpreter for the Purchase And this Examinant further Saith that Observing One of the said Negroes was better Cloathed than the Others the Interpreter said He could sound a Trumpet Play on the Fiddle and was a Weaver And this Examinant further saith that the said Ship Sailed early next Morning from the said Island. This Examinant further saith that the s^{d} Interpreter during the whole time called the said Negroes his Slaves.

Charles Menzies.

The Examination of John Smalwood Carpenter of the Ship Mary whereof Captain Davison is Master and now in Patuxent River in the Province of Maryland taken before the Governor & Council of the said Province this 22^{d} Day of June 1749.

This Examinant being first Sworn on the holy Evangels of Almighty God deposeth and saith That he in the said Ship arrived on the 4th of March in the Evening at the Island of S^{t} Iago that on the sixth of March he being upon the Beach heard Captain Davison in the Evening ask Lope the Interpreter if the Slaves were Come, who Answered no, but they would soon, that he this Examinant about Eight of the Clock went off from the Beach in the Long Boat on Board the said Ship and went into his Cabin to Sleep, that some time after he not being asleep heard some People Come on board, & making a Bargain, that he heard the sound of Money upon the Table and heard Captain Davison say he would not give so much for an Old man as a young one that the next Morning he saw Six Slaves on board the said Ship and that they weighed Anchor about five of the Clock the same morning

John Smalwood.

William Ahier being also summoned, & attending was examined as follows

The Examination of William Ahier Master of the Ship two Brothers taken before the Governor and Council of the Province of Maryland this 22d Day of June 1749. Lib. C. B. p. 377

This Examinant being first sworn on the holy Evangels of Almighty God deposeth and Saith That being with his said Ship at the Island of St Jago One of the Cape De Verd Islands on or about the 22d Day of April last past he was with the Commanding Officer of Port of Pra whose Title was Captain More Overall, and was acquainted by the means of his Interpreter tht a Certain Captain Davison (whom he described to be Master of the Ship Mary a Person that had a Short finger and a woman on board) had stole five Negro Slaves and One free Man from the said Island, Two of which belonged to the said Captain More Overall, and that one of the said Negroes was a Trumpeter and the other a Fiddler and also at the same time two Letters were delivered to this Examinant, One of which was directed by this Examinant at the desire of the said More Overall to the Governor of Maryland and the Other to the Governor of Virginia.

William Ahier

At a Council held in the Council Chamber on Saturday the first Day of July in the 35th year of his Lordships Dominion Annoq Dni 1749

Present as on 22d of June

William Cook and Robert Watson appearing at this Board were examined as follows.

The Examination of William Cook Apprentice to Captain Davison of the Ship Mary now lying at Anchor in the Province of Maryland taken before the Governor & Council of the said Province this first day of July Anno Dom. 1749.

This Examinant being first sworn on the holy Evangels of Almighty God deposeth and saith That he with some others rowed from the Island of St Iago on board the Ship Mary One Lope and three Negroes, That some time afterwards this Examinant went a Shoar again with the said Lope that the said Lope returned again with his Son and brought three more Negroes with him who were with the said Lope and son carried on board the said Ship that this Examinant believes it might then [be] about nine or Ten a Clock at night, This Examinant further saith that he was in the Cabin and heard Lope and the Captain make a Bargain for the said Negroes that he saw the Captain turn them about and examine them that the Captain gave Lope a Cheese and a Shirt for one of the Negroes p. 378

Lib. C. B. being an old Man, and that he gave Money and Goods for the Rest of them, and that the said Lope carried the Goods on Shoar with him the same Night, and that the Ship Sailed Early the next Morning and that he saw the said Lope shake hands with all the Negroes when he went a Shoar This Examinant further Saith that he did not see one of the Negroes handcuffed nor tyed when they were brought on board nor at any time during their Voyage.

The mark × of William E. Cook.

This Examinant further saith that two Pistols and One Musket were put into the Boat when they left the Ship, and that when the Boat came to the Shoar Lope and the Doctor went on Shoar, and Lope had one Pistol, he doth not know whether the Doctor had the Other Pistol, but this Examinant did not see the Other Pistol remaining in the Boat

The mark × of William Cook

The Examination of Robert Watson Cook to Captain Davison of the Ship Mary now Lying at Anchor in Patuxent River in the Province of Maryland before the Governor and Council of the said Province this first day of July Anno Domini 1749.

This Examinant being first Sworn on the holy Evangels of Almighty God deposeth and saith that on the night of the first Monday in March last he being at the Island of S^{t} Jago on board the said Ship he was Ordered by Captain Davison to Carry one Lope a Shoar who had brought three Negroes on board the said Ship, that waiting some time upon the
p. 379 Beach for the said Lopes Return he Came with his Son and brought three Other Negroes with them that he helped to row them on board This Examinant further Saith that after some Stay on board the Ship the said Lope and his Son went on Shoar and carried in the Boat with them some Cheese and Other Goods that this Examinant handed some Salt on board the boat and that he saw Lope shake hands with all the Negroes at their Parting; And this Examinant further saith that when this Examinant was unwilling to go into the Boat upon which the Captain damned him and asked him why he did not go that this Examinant went into the Boat and at the same time two muskets & two Pistols were put into the Boat and when the Boat came to the Shoar Lope & the Doctor went out of the Boat on Shoar and took the Pistols and after some Stay they returned and brought three Negroes who being put into the Boat Lope and the Doctor also came in and the Boat immediately returned to the Ship but this Examinant never Saw any of the Negroes handcuffed, or tyed.

Robert Watson

Ordered that Warrant issue directed to the Sheriff of S^{t} Marys County to bring before this Board the aforesaid five Negroes and one freeman in the following words. Lib. C. B.

Maryland ss^{t}

Whereas Information hath been made to Us the Governor and the Subscribers Members of his Lordships Council of State met in Council at the City of Annapolis on the first day of July Anno Domini 1749 That Thomas Davison Mariner Master of the Ship Mary now Lying in Patuxent River having in his Voyage from London to this Province touched at the Island of S^{t} Iago under the Dominion of the Crown of Portugal, did Clandestinely bring away five Negro Slaves and One free Man belonging to the said Island into this Province, where the said Davison hath sold them as Slaves in Manifest Violation of Justice and Private as well as Publick Faith

These are therefore in his Lordships Name to Require you that immediately on Receipt hereof you take the said Negroes & Freeman into your Custody and bring them before us at the City of Annapolis and for so doing this shall be your Sufficient Warrant dated at Annapolis this first day of July Anno Domini 1749.

Signed by the Governor & all the Members Present.

At a Council held in the Council Chamber on Wednesday the fifth Day of July in the 35th year of his Lordps Dominion Annoq Domini 1749 p. 380

Present as on the 1st Instant

The Sheriff of S^{t} Marys County attending with the Freeman and Negroes according to the direction of his Warrant they were called in & none of them Speaking English they were by the best Interpreter that could be got here Examined, and they all declared that they were brought by Captain Davison from the Island of S^{t} Iago into this Country against their Will

Upon the whole It seemed to this Board that Captain Davison by a clandestine Contract and Assistance of some Inhabitant of the Island of S^{t} Jago had Procured the said Freeman and Negroes to be brought on board his Ship and that they themselves might have been Prevailed upon by some Specious Promises to Leave the Island

It is therefore Ordered by this Board that the said Captain Davison enter into Bond with two Sufficient Sureties in the Sum of two hundred Pounds Sterling Conditioned as follows.

The Condition of the Above Obligation is such That if the Six Negroes or Blacks brought by the said Thomas Davison

Lib. C. B. from the Island of S^{t} Iago into this Province shall be Safely Transported and Landed at the said Island at the Expence Costs & Charges of the said Thomas Davison, and in Case any of the said Negroes or Blacks shall happen to die or not be delivered on the said Island of S^{t} Jago that the said Thomas Davison his Executors or Administrators shall pay to the Owner or Owners the full worth of such Negroes or Blacks as shall die or not be delivered as aforesaid And if the said
p. 381 Thomas Davison his Executors or Administrators shall make Satisfaction to the Owner or Owners in the said Island of the said Negroes or Blacks or any of them for all such damages as may be claimed by the said Owner or Owners by Reason or means of the said Negroes or Blacks being brought from the said Island as aforesaid then this Obligation to be Void Otherwise to Remain in full force and Virtue in Law

Tho^{s} Davison [Seal]
Tho^{s} Ireland Jun^{r} [Seal]
Jn^{o} Skinner [Seal]

Sealed & Delivered
in Presence of
Charles Menzies
Joseph Skinner
Jon^{a} Slater

It is the humble Request of this Board to his Excellency that he would be pleased, by the same Conveyance Captain Davison sends the Negroes from this Province to Madera which is the readiest Passage he can get from hence in order to their being sent to the Island of S^{t} Iago; to write the following Letters to be sent with them

Sir

By the Inclosed Papers you will find Six Blacks or Negroes were brought into this Province, Where on Information they were Clandestinely taken from S^{t} Iago, I had them Secured and now make Use of this Conveyance as a Readier Passage to that Island than any Other which could happen directly from hence.

The Master of this Vessel is directed to make his Address to you And I hope after Perusing the Letters and Papers you will Seal direct & deliver that Inclosed for the Governor or Commanding Officer of your Island as also the Other Letter & Examinations which I doubt not of Your Indeavouring to forward with the Negroes through his Assistance to S^{t} Jago by the first Opportunity

To the British Consul
at Madera

Sir Lib. C. B.

By this Conveyance Six Blacks belonging to S[t] Iago will p. 382
be brought and Delivered to your Order in Expectation of their meeting with a Speedier Passage from this Province to that Island by this way than any Other which can Offer from hence

The manner of their being brought hither will be Seen by a Perusal of the Inclosed Papers which together with the Letter and the Blacks I hope you will not want a ready Opportunity of sending to S[t] Jago.

As my Duty to my King Obliges me to do Justice to Every Body: I am sensible it must be Extreamly Agreeable to his Majesty that I should Strictly Conform to it in what may relate to every Subject of the King of Portugal. I am &c[a]

To the Governor [or] Commanding
Officer at Madera.

Sir

As soon as I was Informed of the Suspicion That Captain Thomas Davison Master of the Ship Mary had in an unlawful manner brought away from your Island five Slaves and a freeman I was desirous of doing what Justice I could And Captain Davison with his Mate, Surgeon, Carpenter Apprentice & Cook were Summoned to Appear before me who upon their Examinations declared what you will see by the Inclosed Papers. And I think he has been encouraged and Assisted by some of the Inhabitants of your Island to do what is now Complained of against him however that you may be satisfyed the English are unwilling to Countenance any unjust Act and Ready to redress every injury as far as they can, Especially towards the Portugal Nation with whom our King is in so good Friendship: I tooke Possession of the Freeman & five Slaves and now send them to you by way of the Madera Wishing they may Arrive in Safety to you and shall be Glad to hear that you have received them

To the Governor or Commanding Officer at S[t] Jago. } I am &c[a]

18[th] Septem[r] 1749 p. 383

Ordered by his Excellency the Governor that the following Letter of the Duke of Bedfords inclosing his Majestys Proclamation, and also his Excellencys Proclamation publishing the same be entered as follows

Lib. C. B.

Whitehall 6th February 1748/9

Sir

A Definitive Treaty of Peace and Friendship having been concluded at Aix la Chappele the 7th day of October last by the Plenipotentiaries of his Majesty the Most Christian King and the States General of the United Provinces, to which the Empress Queen of Hungary, the Kings of Spain and Sardinia the Duke of Modena and the Republick of Genoa have acceded, and the Ratifications thereof having been since exchanged, His Majesty has been pleased to Command me to transmit to you the Proclamation which he has thought fit to issue on that occasion, and to Signify his Pleasure to you, that you cause the same to be Published in all the Proper Places under your Government to the End that all his Subjects do take Notice of his Royal will and Pleasure therein and conform themselves thereto accordingly I am

Sir

Your Most humble Servant

Bedford

By the King.

A Proclamation

George R.

Whereas a definitive Treaty of Peace and friendship between Us, the Most Christian King, and the States General of the United Provinces hath been concluded at Aix la Chapele the seventh day of October last to which the Empress Queen of Hungary, the Kings of Spain and Sardinia the Duke of Modena and the Republick of Genoa, have acceded, and the Ratifications thereof have been Since exchanged: In Conformity thereunto We have thought fit hereby to Command that
p. 384 the same be Published throughout all Our Dominions: And We do declare to all our Loving Subjects Our will and Pleasure that the said Treaty of Peace and friendship be observed inviolably as well by Sea as Land and in all Places whatsoever; Strictly Charging and Commanding all Our Loving Subjects to take Notice hereof, & to Conform themselves thereto accordingly.

Given at Our Court at Saint James's the first day of february 1748 in the Twenty second year of Our Reign

God Save the King.

Maryland ss[t]

By his Excellency Samuel Ogle Esq[r] Governor & Commander in Chief in & Over the Province of Maryland

A Proclamation

Whereas I have Received his Majestys Proclamation of Peace given at Saint James's the first day of february 1748 in

the Twenty second year of his Majestys Reign a Copy Lib. C. B.
whereof is hereunto annexed, as also a Letter from the Duke of Bedford One of his Majestys Principal Secretarys of State Signifying that it is his Majestys Pleasure I should Cause the said Proclamation to be Published in all the Proper places under my Government; I have therefore thought fit with the Advice of his Lordships Council of State to Publish this My Proclamation Notifying the same to all his Majestys Subjects and Strictly Charging and Requiring the several Sheriffs of the Respective Counties of this Province at the most Publick places in their said Counties as soon as Conveniently may be with all Solemnity Possible to Publish the same And I do hereby further will and Require the Several Sheriffs of this Province to give Notice to the Magistrates of their Respective Counties as soon as Possible to meet and appoint a day for Publishing his Majestys said Proclamation, And I do hereby Command the several Sheriffs and all Others his Lordships Officers both Civil and Military as also the Militia in the Respective Counties to attend in the handsomest manner at p. 385
the time so appointed for performing the same Given at the City of Annapolis this 18th day of September in the 35th year of his Lordships Dominion Annoque Domini 1749.

At a Council held in the Council Chamber on Wednesday the 20th Day of September in the 35th year of his Lordps Dominion Annoq Domini 1749

Present

His Excellency Samuel Ogle Esqr Governor.

The hoñble { Benjamin Tasker Esqr, Edmund Jenings Esqr; Col George Plater, Benedict Calvert Esqr }

Ordered by his Excellency the Governor with the Advice of this Board that the present General Assembly of this Province which stands prorogued to the tenth Day of October next be further prorogued to the second Tuesday in february next being the 13th Day of the same Month, and Proclamations issued accordingly

At a Council held in the Council Chamber on Thursday the 19th Day of October in the 35th year of his Lorps Dominion Annoq Domini 1749.

Present

His Excellency Samuel Ogle Esqr Governor

The hoñble { Benjamin Tasker Esqr, Philip Thomas Esqr; Col George Plater, Benedict Calvert Esqr }

Lib. C. B. His Excellency having communicated to this Board the Report made to him by the Justices of Assize of their Proceedings in Ann Arundel County, whereby It appears that
p. 386 they had passed Sentence of Death upon a certain Charles Elliott a Servant to Nathaniel Folson for Horse Stealing, and It appearing also by the s^{d} Return that the af^{d} Charles Elliott is young and that He is an Object of Mercy, It is the humble Advice of this Board to his Excellency that he be pleased to grant a Pardon to the said Elliott upon his leaving the Province immediately, which issued accordingly

Ordered that the Clerk of this Board draw an Order on Coł Charles Hammond Treasurer of the Western Shoar payable to M^{r} Henry Walls or Order for Twenty five Pounds Sterling being his years Salary as Armourer of this Province ending the 29th of September last to be paid out of the Duty of 3^{d} ꝑ hh^{d} for Arms.

At a Council held in the Council Chamber on Saturday the 25th of November in the 35th year of his Ldps Dominion Annoq Dni 1749.

Present

His Excellency Samuel Ogle Esq^{r} Governor

The hon̄ble { Benjamin Tasker Esq^{r}, Coł George Plater, Ed. Jenings Esq^{r} } { Coł Charles Hammond, Benedict Calvert Esq^{r} }

Coł Hammond acquainting this Board that as Treasurer of the Western Shoar he has Bills of Exchange in his hands arising by the Duty of 3^{d} ꝑ hh^{d} for Arms to be transmitted to England, but M^{r} Adams the Person appointed by the Act of Assembly for the Treasurers to transmit the same to being dead, He is therefore desirous to have the Directions of this Board, to whom He shall send the said Money who are of Opinion that He may safely remit the same to the Executors of the af^{d} M^{r} Joseph Adams

His Excellency is pleased to lay before this Board the following Petition.

p. 387 To his Excellency Samuel Ogle Esq^{r} Governor & Commander in Chief in and Over the Province of Maryland.

The Petition of Thomas Davison Mariner and Master of the Ship Mary now Riding at Anchor in the River Patuxent.

Humbly Sheweth

That your Petitioner in Pursuance of your Excellency & Councils decree hath Shipt off to the Island of Madera those

Six Negroes (which he bought at S^{t} Jago) in M^{r} Samuel Galloways Vessel at the Expence of thirty Guineas, and Nine Pounds Current Money of this Province, and has given Security to him for the making good any damages he may Sustain on Account of his said Vessels being detained for their delivery. And further has been Obliged to give Bond to Mess^{rs} Skinner and Ireland to give them Counter Security for that Indemnification to M^{r} Galloway, besides Lodging in their Possession all the Profits Accruing on this Voyage; which your Petitioner will greatly stand in need of, for the support of his family and Paying Tradesmen in London when he gets there. Lib. C. B.

Your Excellency is also well acquainted with the Bond first given with you of two hundred Pounds Sterling for the sending those Negroes to the aforesaid Island of Madera and as it is more than Probable that by this time (the dangers of the Seas Excepted) they have reached that Place, Your Petitioner humbly begs Leave to hope that your Excellency will in this Particular Case Commiserate his hard fate thro' the whole Course of this unhappy affair, and that his Ship being in a Little time to Sail; Your Excellency will with your wonted and Established Character & Clemency Admit him to take in the Last mentioned Bond of two hundred Pounds Sterling Whereby he may be Enabled to depart this Province in better Circumstances than he at Present Labours under.

Your Excellencys favour in this will in a Particular manner Lay him under a greater Regard to your Excellencys favour & Prompt him to Pray for your welfare and Success, as he will be in duty Bound &c^{a}

Tho^{s} Davison

Upon reading the said Petition and considering the Condition of the Bond entered into by Captain Davison It is the Opinion of this Board that nothing can be done therein, until there is an Account of the said Vessel at the Island of Madera. p. 388

At a Council held at the house of his Excellency the Governor on Wednesday the 13th Day of Decem^{r} in the 35th year of his Lordships Dominion Annoq Domini 1749

Present

His Excellency Samuel Ogle Esq^{r} Governor

The hon^{ble} { Benjamin Tasker Esq^{r}, Edmund Jenings Esq^{r}, Col^{l} Charles Hammond } { Daniel Dulany Esq^{r}, Benedict Calvert Esq^{r} }

His Excellency lays before this Board the following Letter

Lib. C. B. Whitehall 19 July 1749

Sir

Upon the 30th of May last, the House of Commons presented an humble Address to the King desiring that his Majesty would be graciously pleased to give directions, that there be Laid before that house in the next Session of Parliament an Account of the Tenor and Amount of all the Bills of Credit which have been created and issued in the Several British Colonies and Plantations in America as well those under Proprietors & Charters as under his Majestys immediate Commission & Government that shall be then outstanding distinguishing the Amount of the same in each Colony or Plantation & the Respective times when such Bills so outstanding were issued with the Amount of the said Bills in Money of Great Britain both at the times when such Bills were
p. 389 issued and at the time of Preparing the said Account and also the times fixed for the calling in Sinking & discharging such Bills, and the Funds Appropriated for that purpose; And I am now in Consequence thereof Commanded by His Majesty to Signify his Pleasure to you, that you should Order all such Accounts, so far as they relate to your Government to be prepared & Transmitted forthwith to me that I may Lay the same before his Majesty & Receive his farther Pleasure thereupon with Regard to their being Laid before the Parliament.

I am Sir

Your Most Obedt hble Servt

Bedford.

The following Answer being prepared is read, and this Board desire his Excellency will be pleased to transmit the same to his Grace the Duke of Bedford

My Lord

Your Grace's Commands of the 19th of July last and which I this Day received, signifying that I should transmit to your Grace a State of the Paper Currency issued in this Province, I have accordingly inclosed the same, and am with all imaginable Respect

Your Grace's

Most Obedient and most humble Servt

Duke of Bedford Sam: Ogle

Province of Maryland

In the year 1732 An Act of Assembly passed in this Province to Emit Ninety Thousand Pounds Current Money in Bills of Credit which at the time of Emission were calculated to be

at the Rate of One hundred thirty three pounds Six Shillings & Eight Pence Current Money for One hundred Pounds Sterling; The fund for Sinking these Bills of Credit is a duty of fifteen pence Sterling p hhd on all Tobacco to be Exported which duty is Remitted to three Noted Merchants in London and by them Placed in the Capital Stock of the Bank of England And the Annual Interest is to be carryed to the said Capital Lib. C. B. p. 390

One third Part of the aforesaid Sum by the said Act of Assembly to be sunk in 1748, and which was accordingly done between the 29th of September 1748 and the 25th of March following at the full Value by Bills of Exchange drawn upon the aforesaid Merchants in London at the aforesaid Rate of One hundred thirty three Pounds Six Shillings & Eight Pence Current Money for One hundred pounds Sterling, the Remaining two thirds are to be Sunk in 1763, and which the aforesaid Fund will be more than Sufficient to Sink within the time Limited And the Surplus to be applyed to the use of the Province as the Governor & the two Houses of Assembly shall direct.

The following Answer, to the several Heads of Enquiry sent by the Board of Trade to His Excellency, and which are entered the 21st of December 1748, being read is approved of as follows

The Province of Maryland is Situated on Each Side of Chesapeak Bay, as well as bounded to the Eastward by the sea and Delaware Bay and divided from Virginia on the Southward by Patowmack River & a Line Run from Watkins Point into the Main Ocean: It is to the North on Pensilvania, and to the West on the Main Continent.

The Country is Woody & flatt on the Eastward of Chesepeak Bay but more Hilly on the Western Side, and Mountainous towards the Western boundarys, and each part well Watered with Large Navigable Rivers, the Soil Consists of all the different sorts, is fertile & Productive of every kind of Grain and of Hemp & Flax; The Climate tho' warm in Summer yet is cold in Winter, the Longest day is about fourteen hours fifty one Minutes the shortest about Nine hours Nine Minutes.

Annapolis the Principal City by the best Observation yet taken Lies in Thirty Eight Degrees forty Eight Minutes North Latitude, and by Computation in about Seventy Six Degrees thirty Minutes Longitude from London but not at all fortified nor is there any Place of strength in the whole Province.

Lib. C. B. p. 391 The French or Spaniards have no Settlements on or near the Borders of Maryland.

By the Charter granted to Cecilius Lord Baltimore by King Charles the first, 20th June in the 8th year of his Reign the Limits of Maryland are described to be, "All that Part of a "Peninsula Between the Ocean on the East and the Bay of "Chesepeak on the West and Divided from the other part "thereof by a Right line drawn from the Promontory or Cape "of Land called Watkins Point (situate in the afd Bay near the "River Wighco) on the West, unto the Main Ocean, on the "East, and between that Bound on the South unto that part "of Delaware Bay on the North which lieth under the 40th "Degree of Northerly Latitude from the Equinoctial, where "New England Ends, and all that Tract of Land between the "bounds afd that is to say passing from the afd Bay called "Delaware Bay in a right Line by the Degree aforesaid unto "the true Meridian of the first fountain of the River Patow-"mack and from thence tending towards the South unto the further Bank of the afd River and following the West & South Side thereof unto a Certain place called Cinquack Situate near the Mouth of the said River where it falls into the Bay of Chesepeak and from thence by a strait Line unto the aforesaid Promontory or Place called Watkins Point.

Concerning that Part of the Peninsula which lies to the Eastward a dispute is now depending between the Lord Baltimore & Messrs Penns in the high Court of Chancery; nor are the Boundarys on the Northward as yet fixed Between Maryland & Pensilvania; But a Temporary Line hath been Run by Order of his Majesty from the East Side of the River Susquehannah down so far South as fifteen Miles & a Quarter of a Mile South of the Latitude of the Most Southern part of the City of Philadelphia and on the West side of the said River Susquehannah down so far South as fourteen Miles & three Quarters of a Mile South of the Latitude of the Most Southern Part of the City of Philadelphia; for the present Quieting the disturbance on the Borders of Each Province; The Constitution is founded on the aforementioned Royal Charter. The Legislative Power is in the Governor & the Upper house p. 392 (which is Composed of Twelve Councillors) & the Lower house of Assembly which Consists of the Delegates of the People

The Trade of the Province consists Chiefly in the Exportation of Tobacco to Great Britain in Vessels yearly sent hither from thence to the number of about two hundred, of the Burthen of about 12000 Tons Navigated with about 4000 Men; The Vessels Owned by the Inhabitants of the Province are not above 50 Navigated with about 400 Men and of the Burthen

of about 400 Tons and are decreased within these few years occasioned by the Captures since the War Lib. C. B.

The Inhabitants take annually from Great Britain all sorts of fine & Coarse Woollens & Linens, Great Quantities of wrought Leather & wrought Iron and almost all kinds of British Manufactures, But the Quantities of each cannot be ascertained from the Great Variety of Persons to whom the same are Consigned or Shipped

This Province has very Little Trade with any Foreign Plantations except to some of the Portugese Islands for Salt by a few small Vessels which Carry Lumber & Provisions and a Vessell or two in a year to the Maderas Loaded with Wheat, Indian Corn Bread flower and Staves which brings back Madera Wine, nor has the Province any Trade to any part of Europe besides Great Britain except an inconsiderable Quantity of Wheat & Lumber sent to Lisbon and that but Seldom and some times a Vessel to Ireland which carrys Wheat & Lumber thither

The methods used to prevent illegal Trade are by the Appointment of the Collectors & Surveyors of his Majestys Customs by the Commissioners of the Customs in London & Naval Officers Appointed by the Governor in all the districks in the Province and Considering the Numbers of Rivers & Creeks in the said Province this Method is as effectual to prevent illicit Trade as can well be

The Exportation of the Commodities & Manufactures from hence Exclusive of Tobacco is Wheat, Lumber Indian Corn, Bread Flour, Pig & some Barr Iron, Skins & Furrs to the Value of about Sixteen Thousand Pounds Sterling Annually of which the Pig Iron & Furrs are Exported only to Great Britain. p. 393

There are a great many Iron Mines and Several of them very good in the Province and there are Eight Furnaces for making Pig Iron & Nine forges for making Bar Iron and Great Shews of Copper in many Places but thô several attempts have been made to discover Veins of that Metal none has been yet made that quitted Cost.

The Number of White Inhabitants is as near as can be computed about Ninety four Thousand & of Blacks about Thirty Six thousand and are increased of Late years by the many Germans & Others brought into this Province

The number of Militia is about Twelve thousand five hundred

The Six Nations of Indians tho not neighbouring on our Borders are in friendship and Allyance with this Government and are about Seventeen hundred; But as those Indians are nearer the Government of New York that Province can give a more Exact Account of them

Lib. C. B. The Friends and Allies of the Six Nations upon the River Ohio are about Seven or Eight hundred more.

The French Settlements being at Quebeck and on the River of Saint Lawrence or Canada and the Mississippi can have very Little immediate Effect on this Province

The Revenue arises and is appropriated by the several following Acts of Assembly

1661 Port duty of fourteen pence ꝑ Ton on all Ships & Vessels Trading into this Province due to & Received by the Right honourable the Lord Proprietary thereof and his Ancestors from the payment whereof Ships & Vessels wholy belonging to the Inhabitants are Exempt.

p. 394 1694. Francis Nicholson Esq^r being then Governor an Act was made giving three pence ꝑ Ton on Tonnage of all Trading Vessels (Except such as belonged to the Inhabitants) to the Governor which was made Perpetual in the year 1704.

Colonel Seymour being Governor 1704, A perpetual Law was made (the Government of the Province being then immediately in the Crown) to raise twelve Pence ꝑ hhd upon Tobacco for the Support of Government which is the only one now in being

1704. By an Act made in that year, Impositions of three pence ꝑ Gallon on Rum, Wine, Brandy, & Spirits Imported (except from England) Twenty Shillings ꝑ Poll on Negroes and Twenty Shillings ꝑ Poll on Irish Servants were Laid which duties have hitherto been Continued by Subsequent Acts Excepting on Irish Servants being Protestants and also Vessells wholly Owned by the Inhabitants of this Province from paying the said Impositions.

1704 A Perpetual Law for Laying a duty of twelve pence Current Money for every hundred weight of dryed Beef and Bacon and a duty of Twelve pence ꝑ Barrell for every Barrell of Pork & Beef undryed Exported by any Persons not Inhabitants of this Province which duty is Applyed to the Maintaining a free School.

1715 An Act was then passed for Laying an Additional duty of Twenty Shillings ꝑ poll on Irish Servants being Papists to prevent the Importation of too Great a number of them into this Province and an Additional duty of two Shillings Currency ꝑ Poll on Negroes Imported for Raising a fund to

p. 395 Support Publick Schools within this Province which Act is Still in force

1723 An Act was passed for Laying a duty of Twelve Pence ꝑ Barrell on Pork; for every hundred weight Six pence for every Barrell of Pitch Twelve pence & for every Barrell of Tarr Six pence the said Commodities being imported by any Other than the Inhabitants of this Province.

1732 A Act was then passed Laying a duty of fifteen pence Sterling for Every Hogshead of Tobacco which shall be Exported for and during the space of thirty one years next ensuing the twenty Nineth day of September in the year aforesaid for the better supporting the Credit of Ninety thousand pounds emitted and made Current in Bills of Credit Lib. C. B.

The Ordinary expences are for Support of the Governor, an allowance to the Council & Upper & Lower houses of Assembly during their Attendance, and the Payment of the Superior Courts of Law, and Officers in several Inferior Stations: As the Extraordinary Expences are only made on particular Occasions, they rarely happen so as to amount to a considerable Sum Except Lately for Raising Supplying and Transporting several forces by his Majestys command for the West India and Canada Expeditions, and a Treaty of Peace with the Indians and for which Provision was made by the Assembly

The Establishments as well Civil as Military depend on the powers Granted by the Royal Charter to the Lord Baltimore under whom all the Officers (except the Collectors & Surveyors of his Majesty's Customs) hold their places.

Sir

In Obedience to their Lordships Directions signifyed to me by your Letter of the 8th of June last, but which did not come to my hands till the 8th of December following, that I should p. 395 give particular Answers to the several heads of Enquiry therein inclosed I have sent you as soon as possibly I could such a Return thereof as I hope may be agreeable to their Lordships and desire you'l be pleased to lay the same before them I am Sr

Yr most humble Servant

To Thomas Hill Esqr S: Ogle
Secretary to the Board of Trade

At a Council held at the house of his Excy the Governor in the City of Annapolis on Wednesday the 17th Day of January in the 35th year of his Lordships Dominion Annoq Domini 1749

Present

His Excellency Samuel Ogle Esqr Governor

The honourable { Benjamin Tasker Esqr, Edmund Jenings Esqr, Coł Chas Hammond } { Daniel Dulany Esqr, Benedict Calvert Esqr }

Ordered by His Excellency the Governor with the Advice of this Board that the present General Assembly of this Prov-

Lib C B. ince which stands prorogued to the second Tuesday in February next be further prorogued to the second Tuesday in May next being the 8th Day of the same Month.

Ordered that the honble Col Charles Hammond Treasurer of the Western Shoar send to the Executors of Mr Joseph Adams late Merchant in London for the following Arms and Ammunition, and It is likewise ordered that He direct the said Executors to charge the Amount thereof to the Duty of 3d p hhd for Arms lodged by him in the hands of the said Mr Adams; and also to the same fund, if any Money should be
p. 396 wanting for the Purchase aforesaid, transmitted by him to the said Executors since the Death of the said Mr Adams.

15 Great Guns 4 Pounders double fortifyed of the new Model
12 Drums and 12 Pr of Sticks
12 Trumpets and Mouth Pieces to Each Trumpet
A Black and yellow Flagg
20 Half Barrels of best Gun powder
30 Carabines with Bayonets and Slings
30 Muskets with the Best of Locks

A Letter to His Excellency from Henry Darnall Esqr Attorney General in Relation to several Sheriffs Bonds being put in suit by Order from this Board, and also relating to Robert Ungle Esqr his Treasurers Bond, and Philip Lee Esqr his Bond as Naval Officer of Patowmack being read; It is the Advice of this Board that His Excellency would be pleased to lay the said Letter before the Lower House of Assembly at their next Meeting.

At a Council held at the House of his Excellency the Governor in the City of Annapolis on Friday the 19th Day of January in the 35th year of his Lordps Dominion Annoq Domini 1749

Present

His Excellency Samuel Ogle Esqr Governor

The honourable { Benjamin Tasker Esqr, Edmund Jenings Esqr, D. Dulany Esqr } Col Edward Lloyd, Benedict Calvert Esqr

Ordered by his Excellency the Governor with the Advice of this Board, that the Proclamation to prorogue the Assembly to the second Tuesday in May next do not issue until further Order

Whereas many Inconveniencies to the Publick are found by the Delay given to the Dispatch of Publick Letters by the

several Sheriffs of this Province His Excellency therefore by the Advice of this Board doth require and direct that the Sheriffs of the several Counties or their Deputies upon the Peril of his Displeasure do take Receipts from Each Other of the time of the Delivery of any Publick Letters and keep such Receipt by them for their Justification if hereafter they should be called upon And It is likewise ordered that the Sheriff of Queen Anns County appoint a Place near One of the Ferry Landings upon Kent Island for the Receipt of any Publick Letters that shall be sent thither and that there be a person also there who shall give a Receipt for the same And that the said Sheriff of Queen Ann County direct One of his Under Sheriffs to call once every Week at the said Place for the Receipt and Dispatch of the said Letters and that the Sheriff of Ann Arundel County send all the Publick Letters to the said Place & take a Receipt specifying the Time of their Delivery there Lib. C. B. p. 397

The Province of Maryland to John Raill as Armourer of the Province af^{d}	D^{r}
From 26th of September 1745 to 11th of July 1747 is 21 Months 15 Days at 40 £ Sterl p Annum	71 : 13 : 4

Errors Excepted p John Raill

Upon reading and considering the said Account It is the opinion of this Board that by the Act of Assembly made in 1747 for raising 3^{d} Sterling p hh^{d} for Arms &c, and the Act made in 1748 continuing the former Act They are not empowered to pay the said Sum because It became due before the making those Laws; And as the Fund out of which the said Salary ought to have been paid, was lodged in the hands of M^{r} Samuel Hyde Merchant in London who is since become Bankrupt, It is recommended to M^{r} Raill to apply himself to the Assembly at their next Meeting for Payment thereof.

At a Council held at the House of his Excellency the Governor in the City of Annapolis on Thursday the 1st Day of February in the 35th year of his Lordships Dominion Annoq Domini 1749 p. 398

Present

His Excellency Samuel Ogle Esq^{r} Governor

The hon^{ble} Benjamin Tasker, Edmund Jenings Esq^{r}, Col Charles Hammond, Daniel Dulany Esq^{r}, Benedict Calvert Esq^{r}

Lib. C. B. His Excellency is pleased to lay before this Board the following Letter

Whitehall 4th August 1749.

Sir

In consequence of the Agreement between the Crowns of England & Spain by which it was Stipulated that all Hostilities in the American Seas, should cease between the two Nations, Six Weeks after the King of Spains Accession to the Preliminary Articles, on the 28th of June 1748, which term consequently Expired on the 9th of August following; His Catholick Majesty has been pleased to direct a General Order to be sent to all his Governors requiring them to make restitution of all Prizes taken after the said 9th day of August 1748—as will more fully Appear by a Copy of the said General Order, which I herewith transmit to you, Authenticated by a Notary Publick; I have his Majestys Commands to Signify his Pleasure to you, that you do give Notice of the said Catholick King's said General Order, to all his Majestys trading Subjects under your Government and Likewise that you do Assist to the utmost of your Power, all his Majestys Subjects who may have any Claims on this Occasion I am

Sir

P. S. Your Most Obedient Hble Servt

You will likewise Receive Bedford
herewith Inclosed a Translation of his
Catholick Majestys General Order to his Governors

Governor of Maryland.

P. 399 Whereas by a late Agreement between this Court and that of London, the last day of Hostilities in Spain on this Side the line, whether in the American Seas or elsewhere is to be understood to be the 9th of August 1748, being the day whereon the Six weeks from the Kings Acceding to the Preliminaries at Aix la Chapelle the 28th of June Preceeding; expired, His Majesty has Commanded me to Acquaint you therewith; to the end that in Conformity to the said Agreement you may order to be restored to the English all such Prizes taken from them either by Men of War or Privateers on this side the line, since the said Ninth day of August, as have been Carried into any of the Ports under your Government: And you are further to take Notice that such Restitution is to extend to the Ships Rigging Stores & Cargo of said Prizes; And that in Case the whole or any Part thereof has been Sold or divided amongst the Captors the just Value shall be made Good to the owners

The English in like manner are to Restore on their Side, such Prizes as they may have taken from us in like Circum-

stances whereof I give you Notice, to the End that you may Lib. C. B.
give Advise of all such as may have Come to your knowledge
in order to their being reclaimed Supposing they have not of
their own accord made Restitution without any such Applica-
tion on your part

I acquaint you of the Premises in order to your Complyance
therewith and at the same time, inform you that the like
Orders have been given to the other Governors & Royal
Officers of the Indies.

Moreover, 'tis his Majestys Pleasure that the Ships Pros-
perity and Sally, taken the one the 3^{d} & the other the 7th of
September upon the Coast of Virginia in North America, be
restored to the English with all their Rigging Stores Cargo
&c. the Ministers of London at this Court having reclaimed p. 400
the same, wherefore you are to take due Notice, to the end
that in case said Ships have been Carried into that Port, and
were really taken after the said 9th day of August, you may
take Care to see them restored; And it is further more his
Majestys Pleasure that in case said Ships their Cargo, Rigging
Stores or any part thereof has been Sold the same be immedi-
ately restored to the Owners without giving Room for any
new Instance on their Part or any further Application on that
of the Court of England on this behalf as you will Answer it
at your Peril. Of the receipt of these Presents & of what has
been done in Conformity thereto, You'l please to give me
Advice for his Majestys Information

I am &c. Aranjuez 21st May 1749.

Signed

Marquis de la Ensenada

Which being read It is the humble Advice of this Board to
his Excellency that He be pleased to order Proclamations to
issue publishing the same, which being prepared issued as
follow

Maryland ss.

By his Excellency Samuel Ogle Esq^{r} Governor and Com-
mander in Chief in and over the Province of
Maryland

A Proclamation

Whereas His Majestys Commands have been signifyed to
me by his Grace the Duke of Bedford One of his Maj^{tys} Prin-
cipal Secretarys of State by his Letter dated at Whitehall the
4th of August last directing that in the most Publick Places
within my Government I should give Notice of his Catholick
Majesty's General Order signed 21st of May 1749 and sent to

Lib. C. B. his several Governors & Royal Officers of the Indies requiring them to make Restitution of all English Prizes taken either by Men of War or Privateers in the American Seas after the 9th of August 1748 and which have been carryed into any of
p. 401 their Governments and particularly the Ships Prosperity & Sally taken upon the Coast of Virginia in North America, & likewise that I should assist to the utmost of my Power all his Majestys Subjects who may have any Claims on this Occasion I have therefore thought fit, with the Advice of his Lordships Council of State to issue this my Proclamation notifying the same and strictly charging and requiring the several Sheriffs of this Province at the most publick Places in their respective Counties the same immediately to publish and proclaim in the usual manner as they will answer the Contrary at their Peril. Given at the City of Annapolis this first Day of February in the 35th year of his Lordships Dominion Annoq Domini 1749.

At a Council held at the House of his Excellency the Governor in the City of Annapolis on Saturday the 3d Day of February in the 35th year of His Lordships Dominion Annoq Domini 1749

Present

His Excellency Samuel Ogle Esqr Governor

The honourable { Benjamin Tasker Esqr | Daniel Dulany Esqr
Edmund Jenings Esqr | Benedict Calvert Esqr }

Ordered by His Excellency the Governor with the Advice of this Board that the Present General Assembly of this Province which stands prorogued to the second Tuesday of this Instant February be further prorogued to the first Tuesday in March next being the 6th Day of the same Month and Proclamations issued accordingly

At a Council held at the House of his Excellency the Governor in the City of Annapolis on Wednesday the 21st Day of February in the 35th year of his Lordships Dominion Annoq Domini 1749

Present

His Excellency Samuel Ogle Esqr Governor.

p. 402 Ordered by his Excellency the Governor with the Advice of this Board that the present General Assembly of this Province which stands prorogued to the first Tuesday in March next be further prorogued to the second Tuesday in May next being the 8th Day of the same Month and Proclamations issued accordingly

At a Council held at the house of his Excellency the Gov- Lib. C. B.
ernor in the City of Annapolis on Wednesday the 18th Day of April in the 36th year of his Lordships Dominion Annoq Domini 1750.

Present

His Excellency Samuel Ogle Esqr Governor

The honble { Benjamin Tasker Esqr, Coł Edward Lloyd; Coł George Plater, Benedict Calvert Esqr }

His Excellency is pleased to lay before this Board a Letter received by him from Coł Cresap in Relation to the Behaviour of some Indians at his House, who killed several of his Hogs, and stole sundry things from him, and praying some Allowance for the same It is the humble Advice of this Board that his Excellency order the said Letter to be laid before the next Assembly at their Meeting in May

Upon reading the Petition of Charles Carrol Chyrurgeon to his Excellency praying the Fine imposed upon his Servant by the Justices of Ann Arundel County Court for a Breach of the Peace may be remitted, It is the humble Advice of this Board that His Excellency would be pleased to remit the said Fine, provided the said Servant be sold out of the City of Annapolis

At a Council held in the Council Chamber on Friday the first p. 403
day of June in the 36th year of his Lordships Dominion Annoq Domini 1750

Present

His Excellency Samuel Ogle Esqr Governor

The honble { Benjamin Tasker Esqr, Saml Chamberlain Esqr; Coł George Plater, Daniel Dulany Esqr; Edmund Jenings Esqr, Richard Lee Esqr; Coł Chas Hammond, Benedict Calvert Esqr }

His Excellency is pleased to lay before this Board the following Letter

Boston

Sir

I am informed his Excellency Governor Shirley had Settled an agreement with the Governor of Canada (so far as related to this Government) that the Charge of transporting English Prisoners should be defrayed by the English Governments, and the Charge of transporting French Prisoners by their Government; And that upon his Excellencys informing the Governors of the Neighbouring Colonies, the most of them had Signified their Approbation of this Method I am Like-

Lib. C. B. wise informed that in the year 1746, there were brought into this Province in a Flag of Truce Sent by the Governor of Canada called the La Vierge de Grace a Great Number of English Captives; some of them being Europeans but the most of them belonging to the English Provinces and Colonies in America: And that about the same time his Excellency had sent a flag of Truce to Canada with French Prisoners at the Expence of this Government, And his Excellency Sent circular Letters to the Governors of the English Colonies aforementioned with Lists of the Several Prisoners belonging to their respective Governments wherein he informed them
p. 404 that as soon as the Accounts of the Charges of the Flags of Truce and the Proportions of the several English Governments thereto were Adjusted, he would Send them to the said Governors that so they might reimburse the Governor of Canada what Charges he had been at for transporting the English Prisoners belonging to their Government. Soon after this the Court house of Boston was burnt and therein all the Papers relating to the filling out the French Flag of Truce; which made it Necessary that those Accounts should be had from Canada, in Order to State the Particular part each of the English Governments ought to bear to the Charge of transporting their Prisoners; And I find the said Accounts were Sent here a little before Governor Shirleys Departure And an Account has been Stated Between the said Governor Shirley And the Governor of Canada and Sent to Quebeck by a Person gone there for the Redemption of Captives and the Governor of Canada has been assured that all Possible Care should be taken for Recovering from each Government their Proportion of the Charge

I shall now Send your Honour a Copy of the Account by which you will Perceive the Number of Prisoners belonging to your Government is nine and the Proportion of the Charge £319..15..4 which I must Pray your Honour would Cause to be Paid into my Hands, as soone as may be And the same shall be Remitted to the Governor of Canada; And I doubt not your more Ready Complyance when you Consider, as appears by the Account that this Province will be Obliged to Pay in Proportion beyond any other Government as the Greatest part of the Charge of the Europeans And other uncertain Persons, both in this Vessel and another Sent to Louisburg will fall upon them, I am

Sir

Your Honours Most Hble & most Obd^{t} Serv^{t}

S. Phipps

The Charge of the Ship La Vierge de Grace amounted as appears by the Contract to 10000 Livres each Livre being

Valued at ten Shillings of the Currency of New England makes the Sum of 5000 £ Lib. C. B. p. 405

The Proportion of each Concern, or Interest in said 5000 £ is as follows

59	Massachusetts Bay	2180 .. 4 .. 8
16	The same taken at Nova Scotia	
29	New York	843 .. 0 .. 5
6	New Hampshire	174 .. 8 .. 5
6	Pensylvania	174 .. 8 .. 5
6	Rhode Island	174 .. 8 .. 5
2	Connecticut	58 .. 2 .. 9
2	New Jersey	58 .. 2 .. 9
1	Bermuda	29 .. 1 .. 5
1	Shirley Galley	29 .. 1 .. 5
1	Annapolis Royal	29 .. 1 .. 5
9	Maryland	319 .. 15 .. 4
17	Europeans	494 .. 2 .. 8
11	Taken in Nova Scotia	261 .. 12 .. 6
6	Uncertain	174 .. 8 .. 5
172		£5000 .. 0 .. 0

p I. Wheelwright Commissary General

Boston New England 12th Septr 1749

A List of Prisoners which Arrived at Boston from Quebeck in the Ship La Vierge de Grace belonging to the Province of Maryland—Viz. Thomas Craige, Robert Aotrice, James English, Henry Smith, Edward Loyd Thomas Hailey, Joseph Chew, Thomas Archer, Martin Winyard

It is the humble Advice of this Board that his Excellency be pleased to send to Mr Phipps, his Message to the Lower house of Assembly, and their Answer to him relating to the aforegoing Letter and also the following Answer

Annapolis 1st June 1750

Sir

Your Favour of the 12th of September last inclosing the Account of the Proportion of the Charges of the Prisoners belonging to this Government sent in the French Flag of Truce to Boston in the year 1746 I immediately laid before the Assembly and have sent you their Answer. p. 406

Lib. C. B. I am sorry It is not in my Power to comply with this Demand without such Application, but This Government has no Fund to answer such Services without their Assistance

I am S^r^
y^r^ very humble Servant
To Spencer Phipps Esq^r^ S^l^ Ogle

At a Council held in the Council Chamber on Thursday the 13^th^ Day of September in the 36^th^ year of his Lordps Dominion Annoq Domini 1750

Present

His Excellency Samuel Ogle Esq^r^ Governor

The hon̄ble { Benjamin Tasker Esq^r^ / Coł George Plater / Edmund Jenings Esq^r^ } { Philip Thomas Esq^r^ / Daniel Dulany Esq^r^ / Benedict Calvert Esq^r^ }

Ordered by his Excellency the Governor with the Advice of this Board that the present General Assembly of this Province which stands prorogued to the second Tuesday in October next be further prorogued to the second Tuesday in May next being the 14^th^ Day of the same Month, and Proclamations issued accordingly.

His Excellency is pleased to lay before this Board the following Letter from the President of Virginia

6^th^ August 1750

Sir

The Occasion of this Express is to inclose this Paper from the Sheriff of Baltimore, and I hope for your Justice, both against him and the Justice, there seems to be no Occasion for other Proof

The Person, the Justice in the Plenitude of his power thought fit to imprison, was a Messenger, sent by me on the
p. 407 Kings especial Service, so noted on the Letter with my Name and Seal If Expresses under these Circumstances are so used and fees exacted from them I shall not get any to go, and the Kings Service will suffer

I am with all possible Respect
Sir Your Excellencys most
Obedient humble Servant
Thomas Lee

Memdm 21^st^ July 1750 I hereby certify that John Barnett was yesterday committed to my Custody by Capt^n^ Charles Ridgeley on Suspicion of being runaway, and upon examining

into his papers have released him, and received for his Charges Lib. C. B.
for taking up &c twenty seven shillings and Six Pence Given
under my hand the Day and Year above written
R Boyce Shf of Balt. Co^{ty}

The Sheriff and Magistrate attending this Board and the aforegoing Letter and Receipt being read to them, M^{r} Ridgeley in his Justification says, That the Person appeared to him to be a Runaway, for that he was very ill dressed, talked impertinently and was in Company with Two others who were runaways and committed as such at the same time, that he does not remember to have seen any Endorsment upon the Back of a Letter with M^{r} Lee's Name, and that the same was not done by him in Contempt of Authority, but if he was mistaken, he begged Pardon; M^{r} Boyce says, that the Person being committed as a Runaway to him by a Magistrate, he was obliged to receive him, that his Goaler confined him, he not being at the Prison at the time of his Commitment but upon his coming to the Goal which was the next Day, & seeing his Papers he released him, and took the aforementioned Sum for his fees: All which being considered of by this Board p. 408
It is recommended to them both by his Excellency that Each of them write a Letter to the hon̄ble the President of Virginia seting forth the Case as It really was and beging his Pardon, and that the Sheriff return the Money taken by him for the fees; This Board being unwilling to shew any Resentment for the same, believing it to be a Mistake.

His Excellency is pleased to lay before this Board the following Letter

May it Please your Excellency

Having an Opportunity by M^{r} Harris was willing to acquaint your Excellency that on August the 26th by distress of Weather the Commodore of a Spanish Fleet of Ships bound from Cuba to old Spain Stranded on our Beach And the Chief who they called their Commodore with his crew of Soldiers got of the Neighbours Small Crafts and Came a Cross our Sound to the Main, and got his Riches Over and Carted them to Snowhill which Consisted Chiefly in Silver Several very heavy Chests and got two Sloops at Snowhill and went down to Norfolk in Virginia where three more of the Fleet lies that got into the Bay Mastless and are now refitting in Order to Proceed their Voyage We hear there is one more in Northampton on Shoar which makes five And two not heard of as there was Seven in the Fleet, which they think are lost I thought it my duty to write to your Excellency to have your Oppinion whose Prop-

Lib. C. B. erty She is as the Spaniards has left her, as soon as they got from her the Country People got on board and has & Still Continues to Plunder, I went over last Saturday and told them to be easey untill we had your Oppinion but they told me the Vessel was in Virginia as there was Several Gentlemen with their Slaves all at work from Virginia they did not Regard any thing said to them but the People living on the Beach tell me that she lies two miles within Maryland lines. The Commodore who is an Irishman and Speaks very Good English tells me they Asked him for the Vessell to give it them
p. 409 but he told them the Owner of the Land owned the Ship and he could not give her, Therefore I believed her to be the Proprietors. They got off near two hundred Small Arms with Belts and Slings Swords and Bayonets very large Coppers of Several Sizes and Small ones in aboundance, All her Runing and Standing Rigging, Iron Bars Crows and all Sorts of Tooles, many thousand Pounds of Tobacco made in Strong Wrappers They have hove the Tobacco out for the Sake of Linnen Wrappers and the Tobacco now on board in good Order, There is some thousands of pounds worth of Mohogany on board for to do the Inside work of the King of Spains Pallace Doors & Windows &c. There is many thousands of pounds worth if it could be got before the Ship bursts with the Sea and Sinks into the Land. not more to add but hope your Excellency will at all times make your demands of any thing in My Power to Serve you in Am

Your Excellencys Most Hble & Most Obed^{t}
Servant

P. S. She has many large Pieces of Cannon on board two fine Anchors at her bowes abundance of all Sorts of Rigging and Sails in her hold and amount Supra

J. Scarborough

J. Scarborough

Upon reading and considering the aforegoing Letter It is the humble Advice of this Board that His Excellency be pleased to order a Warrant to issue directed to the Sheriff of Worcester County and a Duplicate to the Sheriff of Somerset County, which being prepared and approved of, issued as follows

Samuel Ogle Esq^{r} Lieutenant Governor & Commander in Chief of the Province of Maryland & Vice Admiral of the same To all Persons to whom these Presents shall Come and Especially to you John Scarborough Esq^{r} high Sheriff of Worcester County in the said Province Greeting.

Whereas a Ship lately belonging to the King of Spain or his Subjects hath been by the Violence of a Storm which happened on the 26th day of August last Past driven on or near the Shoar of the said County And hath been deserted by the Commander Officers & Mariners thereof after they had Saved all they could of the Rigging Equipment & Cargoe of the said Ship, And Whereas I am well Informed that Several Evil Minded Persons have contrary to all Law and Justice taken into their Possession and converted to their Own Use Several of the Guns Tackle Apparel Equipment and other Materials of the said Ship and Several Parcells of Money and other Goods and Effects of the Cargoe which was in the said Ship, These are therefore Strictly to Charge & Command you the said Sheriff to Seize and take into your Possession and Safe keep the same untill the Right thereto shall be Lawfully determined all the Guns Tackle Apparel Equipment and other Materialls of the said Ship and all and every Part of the Money Goods Wares and Effects of every kind & quality whatsoever of the Cargoe of the said Ship as can be found in whose hands or Possession the same or any Part or Parcell thereof shall be and to call to your Assistance such and so many Persons as shall be Necessary even the Power of your County if needful for the Better and more Effectual Execution of what is herein required And that you diligently enquire by all Lawful ways and means Whereby the Truth may be best known who and what Person or Persons hath or have had or taken into his her or their hands or Possession or hath or have Converted or disposed of any of the Materialls, Guns Tackle Apparel or Equipment of the said Ship or any Money Goods Wares Merchandizes or other Effects which were left in the said Ship by the late Commander Officers or Mariners thereof or which did belong or were on board the said Ship or were Part of the Cargoe which were on board the same. hereof you are not to fail as you shall Answer the Contrary at your Peril Given under my hand and the Great Seal of the said Province this 13th day of Septemr in the 36th year of his Lordships Dominion Annoq Domini 1750

Lib. C. B. p. 410

p. 411

At a Council held in the Council Chamber on Monday the 24th Day of September in the 36th Year of his Lordships Dominion Annoq Domini 1750

Present

His Excellency Samuel Ogle Esqr Governor

The honble { Benjamin Tasker Esqr, Edmund Jenings Esqr, Coł Cha. Hammond } { Daniel Dulany Esqr, Benedict Calvert Esqr }

Lib. C. B. His Excellency is pleased to lay before this Board the following Letter

Whitehall May the 29th 1750

Sir

Three Acts having been Passed in the last Session of Parliament wherein the British Plantations are concerned Viz.

An Act for extending & improving the Trade to Africa.

An Act for encouraging the Growth and Culture of Raw Silk in his Majestys Colonies or Plantations in America.

An Act to encourage the Importation of Pig & Bar Iron from his Majestys Colonies in America; and to prevent the Erection of any Mill or other Engine for Slitting or Rolling of Iron; or any Plateing Forge to work with a Tilt Hammer, or any Furnace for making Steel in any of the said Colonies.

I am directed by My Lords Commissioners for Trade and Plantations to Send you the inclosed Printed Copies of them for your Information & Government in the Several Matters therein Contained I am Sir

Your Most Obedient Humble Servant

Thos Hill

P. S. As to the last mentioned Act, to Incourage the Importation of Pig and Bar Iron, I am further directed to recommend to you a Punctual Complyance therewith, and in Par-
p. 412 ticular that you do immediately transmit to their Lordships Certificates under your hand and Seal of Office, Containing an Account of every Mill or Engine for Sliting and Rolling of Iron, and every Plateing forge to work with a Tilt Hammer and every furnace for making Steel at the Time of the Commencement of this Act erected in Your Government Expressing also in the said Certificate such of them as are used, And the Name or Names of the Proprietor or Proprietors of each such Mill Engine Forge and Furnace And the Place where each such Mill Engine Forge & Furnace is erected And the Number of Engines Forges and Furnaces in Your Government; And you are to take Especial Care that if after the time Limited by the said Act any Mill or other Engine for Sliting or Rolling of Iron or any Plating Forge to work with a Tilt Hammer or any Furnace for making Steel, shall be erected or Continued within your Government you do Cause the same to be Abated within the time and in the manner Prescribed by the said Act

Samuel Ogle Esqr Lieutenant Governor of Maryland T: Hill

The said Letter being read and considered and His Excellency having procured from Mr Rock the Proprietor of the only

Plateing forge in this Province an Account of the said forge It is the humble Advice of this Board that his Excellency be pleased to send a Certificate thereof to the Lords of Trade, and also the foll[g] Letter Lib. C. B.

Maryland Cecil County 24 Sept[r] 1750

In the year 1747 I built and finished a Plateing forge working with Two Tilt Hammers on the head of North East River and am the sole Proprietor thereof

To His Excellency Samuel Ogle Esq[r] G Rock
Governor in Chief of the Province of Maryland

My Lords p. 413

In Obedience to an Act of Parliament Entituled An Act to encourage the Importation of Pig and Barr Iron from his Majestys Colonies in America, and to prevent the Erection of any Mill or other Engine for slitting or rolling of Iron; or any Plateing forge to work with a Tilt Hammer, or any Furnace for makeing Steel in any of the said Colonies, I have transmitted your Lordships the inclosed Certificate and am

My Lords Your Lordships
most obedient and most humble Servant

To the right honble the Sam : Ogle
Lords Comm[rs] for Trade &
Plantations.

Province of Maryland

I Samuel Ogle Governor of the said Province do hereby certify that in the year 1747 there was finished and is now in use at the head of North East River in Cecil County One Plateing Forge working with Two Tilt Hammers and that George Rock of the said County is the Proprietor thereof, and that there is not a Mill or Engine for slitting and rolling of Iron, nor a Furnace for making Steel erected in this Province Given under my hand and the Great Seal of the said Province this 24[th] Day of Septem[r] Anno Domini 1750

His Excellency is pleased to ask the Opinion of this Board Whether the words, or after such Erection continued, in Page 523, of the afore mentioned Act of Parliament have Reference to any Mills, Engines, Forges or Furnaces built in this Province before the making the said Act, who are unanimously of Opinion, that the said Words have no Reference thereto

At a Council held in the Council Chamber on Thursday the 27[th] Day of September in the 36[th] year of his Lordships Dominion Annoq Domini 1750 p. 414

Lib. C. B.

Present

His Excellency Samuel Ogle Esq[r] Governor

The hon̄ble { Benjamin Tasker Esq[r] / Edmund Jenings Esq[r] / Col[l] Charles Hammond } { Daniel Dulany Esq[r] / Benedict Calvert Esq[r] }

His Excellency is pleased to lay before this Board the following Letters received from the President of Virginia

20 August 1750

Sir

I am to beg the Favour of your Excellency to order some proper Measures to be taken to send back to this Colony one Edward Rumney formerly a Tavern Keeper in Annapolis, he is accused of being in Concert with One Lowe Jackson of Nansemond County who is supposed to have coined a great Number of Double Doubloons of base Metal gilt, many of which this Rumney has uttered and is Supposed to be returned to Maryland It is a Practice of Mischievous Consequence to the Community, and very proper measures here will be taken to Prevent its Progress, I am with great Regard and Esteem

Sir

Your Excellencys Most Obed[t] & Most Humble Serv[t]

Thomas Lee

August 21. 1750

Sir

I am obliged to trouble your Excellency again about those Coiners and their Accomplices, the inclosed Proclamations & the Depositions will Shew your Excellency the whole matter as I know it: I beg you will be Pleased to forward some of the Proclamations to the Northern Governments, it is a case that may Affect every one more or less.

p. 415 Rumney is I Suppose gone by Land to Maryland the Jacksons Excaped in a boat in the Night while their house was beset in order to take them. I am with all Imaginable respect

Sir

Your Excellencys Most Obed[t] & Hum[l] Serv[t]

I have sent a Proclamation in Mine to M[r] Peters.

Thomas Lee

The aforesaid Letters, and the Depositions & proclamations being read, It is the Advice of this Board that his Excellency be pleased to order a Warrant to be prepared directed to the Sheriff of Ann Arundel County to deliver Edward Rumney, now in his Custody under Execution for Debt, to the Sheriff of Prince Georges County, who is to convey the

said Rumney to some Magistrate in Virginia in order to his being tryed there, which, being prepared, issued as follows Lib. C. B.

Maryland ss.

Whereas It appears to us the Subscribers the Governor and Council of the Province of Maryland in Council met That a Certain Edward Rumney is charged upon Oath with Aiding and assisting a certain Low and others in the treasonable Practices of Coining counterfeiting and uttering many base Double Doublosons in the Colony of Virginia And Whereas Proclamation hath been issued by the President of his Majestys Council & Commander in Chief of that Colony for the Apprehending the said Edward Rumney, & carrying or Causing him to be carried into Virginia where the fact is Charged to have been Committed in order that he may be dealt with according to Law And thereby desiring the Governors of the Neighbouring Colonies and Provinces to be assisting in bringing the said offenders to Justice And Whereas the said Edward Rumney is now in the Goal of the City of Annapolis and p. 416 under your Custody as well by Virtue of a Commitment upon the said Charge as also by Virtue of a Writt or Writts of Execution and other meane Process But that such Offenders may not be Screend or Protected from Publick Justice

These are to require and Command you in His Lordships Name that you forthwith take the Body of the said Edward Rumney, and him safe Conduct & deliver to the Sheriff of Prince Georges County who is hereby required & Commanded in his Lordships Name to Receive from you the Body of the said Edward Rumney and him forthwith Conduct and deliver safe before and to One or more Magistrate or Magistrates in the said Colony of Virginia in order that he may be dealt with according to Law for which This shall be a Sufficient Warrant to you and Each of you Given by us met in Council at the Council Chamber in the City of Annapolis under Our hands & Seals this 27th Day of Septr Anno Dni 1750

To Mr John Gassaway
high Sheriff of Ann Arundel
County

Sam: Ogle
Benja Tasker
Edm. Jenings
Cha Hamond
D Dulany
Ben Calvert

And the following Letter

27 September 1750

Sir

Agreeable to your desire in the Proclamation for apprehending Low Jackson James Jackson & Edward Rumney a warrant has been made by myself and Council for the Con-

Lib. C. B. veying and Delivery of Edward Rumney to some of your Magistrates in Order that he may be brought to Justice

I must acquaint you that we have had some Difficulties and
p. 417 Doubts in this Case as Rumney is in the Custody and Goal of one of our Sheriffs upon Execution and other mesne Process for Debt, And as we Apprehended such Debts or Demands are not extinguished unless he should be executed for a Capital Crime, but that he ought to be brought back and redelivered to the Sheriff of Ann Arundel County in this Province who has him now in Custody subject to those Proceedings at Law against him for Debt; If he should be either Acquitted or Pardoned or otherways discharged by your Judicature, I must intreat you that in such Case you will order him to be Safely Reconveyed and Redelivered into the Custody of same Sheriff of Province in order to be brought back again and Committed to the Sheriff of Ann Arundel County; And I trust that should an Escape happen either in the Conveyance of him to Williamsburgh after a Delivery of him to your Magistrate or in his return to this Province before a redelivery to Some of our Sheriffs you will take such Measures as not to Suffer his Creditors here to lose their Debts or any of Our Sheriffs to be harrassed or made lyable to such Debts, As I should take the Like Care if the Excape happened in this Province after he had been delivered to any of Our Sheriffs,

I am S^{r}

Your most obedient humble servant

To the hon̄ble Thomas Lee Esq^{r} Sam^{l} Ogle.
President of Virginia

His Excellency was pleased to send the following Letter relating to the Spanish Ship

27 Septem^{r} 1750

Sir

By the inclosed Copy of a Warrant issued by me, You'l perceive what I have done in relation to a Spanish Ship that was stranded on the 26th of August last upon the Seaboard
p. 418 side within the Limits of this Province, and as I have received Information that some Part of the Rigging Equipment and Cargo of the said Ship has been taken into the Possession of some Persons within your Govern^{t} I don't doubt but you'l think it necessary a strict Enquiry should be made where the said Effects are in order they may be preserved either for the Use of his Majesty, the Lord Proprietary of this Province, or such other Persons to whom of Right they may appertain

I am

S^{r} Your most Obedient humble Servant

To the hon̄ble Thomas Lee Esq^{r} Sam: Ogle
President of Virginia.

6th October 1750 Lib. C. B.

Ordered by his Excellency the Governor that the following Warrant issue directed to the Sheriff of Worcester County, and a Duplicate to the Sheriff of Somerset County, and also the following Letter

Samuel Ogle Esqr Lieutenant Governor & Commander in Chief of the Province of Maryland & Vice Admiral of the same

To the Sheriff of Worcester County Greeting, Whereas I am Informed that Several evil minded Persons contrary to all Law and Justice have Presumed to take into their hands and Possessions and to Convert to their use several Parcells of the Materials Cargo and other Effects of & belonging to a Ship lately belonging to the King of Spain or his Subjects which has been driven on Shoar by a violent Storm on the Coast of your County and that Several of the offenders have even dared to Insult and abuse yourself and others in the due Execution of your office of Sheriff and the Authority with which you are Invested in virtue of the Powers Granted to you under my hand and the Greate Seal of this Province the 13th day of Septemr last Past, in Contempt of the Government and all Law and Justice

These are therefore Strictly to Charge and Command you to apprehend and take into your Custody all and every Person or Persons who hath or have presumed or who shall dare or presume to hinder or obstruct you in the due Execution of your office and duty and to Carry him her or them before some Justice of the Provincial Court to be dealt with according to p. 419 Law, And all his Lordships Officers and all others his Majestys Subjects are hereby Charged & Commanded to Aid & Assist you in the Premises Given under my hand and the Great Seal of the said Province this 6th day of October in the 36th year of his Lordships Dominion Annoq Domini 1750

{ Great Seal }

8th October 1750

Sir

Upon the first Intimation I had of the loss of the Spanish Ship on the Coast of Worcester and that People were Plundering her, I sent Proper Powers to the Sheriffs of Worcester and Somerset to Secure all they could of the Materials and Cargoe, And did not Imagine any Body would have presumed to have resisted the Sheriffs in the Execution of their duty, But

Lib. C. B. I have been Informed by M^r Scarborough that Several People have Acted in a most Outrageous manner & even Magistrates in Contempt of all Law and Government. I desire you will be so Good as to Inquire of M^r Scarborough about these Matters and that if you find them true, you will call upon Some of the most Refractory of the offenders for Bail for their Appearance at the Provincial Court, and if they refuse to give Bail to commit them. I am

S^r

Your most humble Servant

To Robert Jenckins Henry Esq^r — Sam^l Ogle

At a Council held in the Council Chamber on Thursday the 18^th day of October in the 36^th year of his Lordships Dominion Annoq Domini 1750

Present

His Excellency Samuel Ogle Esq^r Governor

The hon̄ble Benjamin Tasker Esq^r, Col Charles Hammond, Philip Thomas Esq^r, Daniel Dulany Esq^r, Col Edward Lloyd, Richard Lee Esq^r, Bened^t Calvert Esq^r

p. 420 Ordered that the Clerk of this Board draw an Order on the hon̄ble Col Charles Hammond Treasurer of the Western Shoar payable to M^r Henry Walls or Order for Twenty five Pounds Sterling being his years Salary as Armourer of this Province ending the 29^th of September last to be paid out of the Duty of 3^d ℔ hh^d for Arms &c.

His Excellency is pleased to lay before this Board the following Letter of Governor Hamiltons, and the Papers therein mentioned relating to the Indians

Sir

From the inclosed Papers containing Copies of Messages delivered to me in behalf of his Majestys Governors, from the Ohio Indians, and their Allies, you will See Plainly the Necessity of turning your Attention to what is doing in that Part of the world

You cannot be insensible that the Six Nations have of late left their old Habitations and Settled on the Branches of the Mississippi and are become more Numerous there than in the Countrys they Left at which both the French and the Council at Onondago are not a little allarmed.

If my Information be true, and I have it from Persons of undoubted Credit, these Refugees of the Six Nations (If I may use the term) the Shawones and Delawares, with their

New Allies, the Owendaets and the Twightwies make a Body Lib. C. B.
of Fifteen hundred, if not two thousand men, and in my Opinion these different Nations are now upon the Ballance: If a prudent Management and Seasonable Liberality be exercised, they may be retained in our Interest: But if no Notice be taken of them, nor Suitable Presents be made them, the French may Justly reproach the Twightwies for their Defection, and they will cast their Reproaches on the Indians who persuaded them into our Alliance, and thereupon they may not only leave us themselves, but draw off Our Indians with them and if we fall into these unhappy Circumstances it is not Probable We shall Retain the Six Nations at Onondago long, for when these are Stripped of their Allies, and of these Western Indians they will be despised, or to avoid Contempt, go over to the p. 421
French with the other Indians

This I take to be a true Representation of the State of Indian Affairs, and it gives me much Concern that the Council at Onondago should not be able to retain their People among them, but by Suffering their Young Indians to go and Settle those distant Parts, give rise to a new Interest, that in a little time must give them Law, instead of taking it from them: But the thing is too Plain to be Concealed and makes it Necessary that some thing be done on this new turn of affairs.

This Province has chearfully been at a very Considerable Expence to preserve these Indians, and was it in Ability, might continue to do so, but they grow too Numerous for any Single Colony, on which Account it is become expedient that this Matter should be fully set forth, and as I have taken the freedom to Place it in what Appears to me, to be the true light, to the Governors of New York and Virginia, I now do the same to you, in hopes that something may be done to frustrate the Effects of the indefatigable Pains the French are taking in that Quarter I am

S^{r}

Your Most Obed^{t} Hble Servant

Philadelphia Sept^{r} 20th 1750 James Hamilton

The Honourable the Governor of Maryland

Which Letter and Papers being read It is the humble Advice of this Board that His Excellency be pleased to send the following Answer thereto

Annapolis 18 Octo^{r} 1750

S^{r}

Your favour of the 20th of last Month with the Papers containing Copies of Messages from the Ohio Indians and their Allies which I received a few days ago, I laid this day before

Lib. C. B. p. 422 the Gentlemen of the Council, who are truly Sensible of the Importance of the Friendship of these Indians. But as It is not practicable for us by our Authority only, to raise Money for such Services, and as our Assembly is not to Meet untill some time in the next Spring, and even then I am afraid very little can be expected from them, having pressed them before by Message upon the same Subject, but to no purpose, as you'l perceive by the inclosed Copy of their Answer to me; I can only express my Concern that It is not in my Power to contribute to so necessary an Affair otherwise, than by assuring you, I shall make Use of every Opportunity, I can think may be favourable, to promote his Majestys Service and Our Common Safety, and to keep up that good Correspondence with the Indians which is so Necessary to Us all. I am

S^r^

Your Most Obed^t^ hble Servant

To the honble James Hamilton Esq^r^ Governor of Pensilvania

Sam: Ogle.

Extract from the proceedings of the Lower house of Assembly

Thursday Morning May 12^th^ 1748. The house taking into Consideration the Letter from the President of Pensilvania to the Governor & other Papers relating to the Indian affairs Resolved that Inasmuch as there has been lately an Expensive treaty of Peace Settled with this Province and the Six Nations of Indians which this house cannot from the said Papers apprehend the least danger of their Violating or Infringing; therefore We cannot Agree to burthen the Inhabitants of this Province with any further Charge relating to the said Indians.

Ordered by his Excellency the Governor with the Advice of this Board that the following Order be immediately sent to the Attorney General.

By the Governor & Council
18 October 1750

p. 423 Whereas It appears to this Board that in the several Counties of this Province the Publick and main Roads therein are not cleared, and well grubbed, fit for travelling, neither are they twenty feet wide, nor marked agreeable to the Act of Assembly Entituled An Act for the marking of High Ways, and making the heads of Rivers Creeks Branches and Swamps passable for Horse and foot, and that many Persons alter and change such publick Roads without Leave or License of this Board contrary to the Directions of the said Act, and to the great Inconvenience of Persons travelling the said Roads,

You are therefore hereby required to make strict Enquiry Lib. C. B.
in the several Counties where you practise of any Persons guilty of any Breaches of the said Act, that they may be prosecuted according to Law for the same, and also you are to send Copies of this Order to your Deputies in the Several Counties with Directions for them to comply with the said Order

To Henry Darnall Esq^{r} Attorney Gen^{l}

3^{d} November 1750

Ordered by his Excellency the Governor that the following Letters be here entered

Hon^{ble} Sir

His Catholick Majesty's Ship the Greyhound I commanded, having wrecked upon the Island of Assetegue the 6th of the expired N: S:, the Country People, telling me She lay in Virginia, was the Motive that made me write to the President, giving him an Account of My Misfortunes that Occasioned my being castaway in his Government &c. But now understanding, that by a late experiment of an East Line drawn (to p. 424
know the bounds) its found, She lyes within twice her length of it in Maryland, I see its to you I should give the aforesaid Account as Governor of that Province, wherefore I hope you will excuse my Mistake, as proceeding from a wrong Information, & consequently involuntary in me: My misfortunes, I do not doubt, are too well known unto you by General report, wherefore I omitt Molesting you with a detail of them, to come to another Subject, which is, that I have an Account from a Person, not only Witness, but also Actor, in taking out said wreck, some effects, that her Decks were cut up by the Country People of both Provinces, and that all She had in her (worth taking) was Plundered and Carried away by Persons, whose Names I excuse mentioning unto you, as being of Virginia, Contenting myself to let you know the Principal of those of your Province Viz. Tho^{s} Robins, Daniel Milfin, —— Dalason, and their Gangs, took and carried away Effects and Stores to the Value of a Considerable Sum, which (as reported) are Seized by your Orders, and as you are Sensible its incumbent upon me, to Sollicit the King my Masters right and interest; I hope you will not take amiss my Applying unto you (in his behalf) for Justice, Promising myself, that, by your Authority, he will recover the Part that belongs to him, after deducting the Customary Salvage; or what the Law allows to the Possessors in such Cases, And, I hope, you will Agree, that my demand is Just and Conformable to the Amity and treaties Subsisting between Our Royal Masters; I ask leave to Inform

Lib. C. B. you further that a late Storm having broke the Hull to Pieces, 200 Stocks or Planks of Mahogony that were Cast on Shore on Virginia Side were Purchased (as reported) at a very low Price by a Merchant of Snow Hill; Pray accept of My best respects and believe I am

Honb^le S^r

Your Most Obed^t humble Servant

To the hon̄ble Samuel Ogle Esq^r Governor of Maryland at Annapolis

Daniel Huony

p. 425 Annapolis November 3^d 1750

Sir

I have this day received your Letter in Relation to the Loss of his Catholick Majesty's Ship the Greyhound under your Command, And you may be Assured of all the Assistance, that lies in my Power, in recovering such of the Effects as have been Plundered out of the said Ship by any of the Inhabitants of this Province

And indeed without waiting till I heard from you I thought it my duty, as soon as the News of your Misfortune arrived at this Place, to use my utmost endeavours to Secure as many of them as Possible, in order to their being delivered, to such as might have Authority to demand the same, for the Use of his Catholick Majesty Conformable to the Treaties of Peace and friendship that happily Subsist between the two Crowns.

If I might Presume to give you any Advice, it would be to Authorize some Person to Receive the Mahogony and the Other Effects, who, by the Assistance of the Several Governments concerned, might Recover more of them than can well be Contrived by any other means

I am heartily Sorry for the Occasion of this Correspondence And am with very great Regard

S^r

To Daniel Huony Esq^r at Norfolk in Virginia.

Your very hble Servant

Sam: Ogle

At a Council held in the Council Chamber on Wednesday the 5^th day of December in the 36^th year of his Lordships Dominion Annoq Domini 1750.

Present

His Excellency Samuel Ogle Esq^r Governor

The hon̄ble { Benjamin Tasker Esq^r, Edmund Jenings Esq^r, Col Cha Hammond } { Daniel Dulany Esq^r, Benedict Calvert Esq^r }

His Excellency is pleased to lay before this Board the following Letter Lib. C. B. p. 426

Whitehall 14th April 1750.

Sir

The King having given his Royal Assent the last Sessions of Parliament, to An Act, Entituled an Act to encourage the Importation "of Pig and Bar Iron from his Majestys Colonies "in America and to prevent the Erection of any Mill or other "Engine for Slitting or rolling of Iron, or any plateing Forge "to work with a Tilt Hammer or any Furnace for making "Steel in any of the said Colonies" which Act is to take place the 24th of June next, And his Majestys Governors in North America having particular Instructions, given them therein I have the Kings commands to transmit it to you to the end that you may have the same duly published & observed throughout your Government. I am

Sr

Your Most Obedient humble Servant

Governor of Maryland Bedford

Which being read It is the humble Advice of this Board that His Excellency be pleased to order Proclamations to issue publishing the said Act which being prepared, issued as follows.

Maryland ss.

By his Excellency Samuel Ogle Esqr Governor & Commander in Chief in & Over the Province of Maryland

A Proclamation

Whereas the Right honourable the Lords Commissioners for Trade and Plantations have transmitted to Me an Act of Parliament Passed in the Twenty third year of his Majestys Reign "Entituled An Act to encourage the Importation of Pig "and Bar Iron from his Majestys Colonies in America, and "to prevent the Erection of any Mill or other Engine for "Slitting or Rolling of Iron, or any Plateing Forge to Work "with a Tilt Hammer; or any Furnace for making Steel in "any of the said Colonies," wherein among other things It is enacted "that from and after the Twenty fourth day of June p. 427 "One thousand Seven hundred and fifty every Governor or "Lieutenant Governor or Commander in Chief of any of his "Majestys Colonies in America shall forthwith transmit to the "Commissioners for Trade and Plantations a Certificate under "his hand and Seal of Office, Containing a Particular Account "of Every Mill or Engine for Slitting and Rolling of Iron;

Lib. C. B. "and every Plateing Forge to work with a Tilt Hammer; and "every Furnace for making Steel, at the time of the Com- "mencement of this Act, erected in his Colony expressing in "the said Certificate such of them as are Used, and the Name "or Names of the Proprietor or Proprietors of each such Mill "Engine Forge and Furnace and the Place where each such "Mill Engine Forge and Furnace is erected, And the number "of Engines Forges and Furnaces in the said Colony;" I have therefore thought fit with the Advice of his Lordships Council of State to issue this My Proclamation hereby requiring all and every Person or Persons Using any Mill or Engine for Slitting and Rolling of Iron or a Plateing Forge working with a Tilt Hammer or a Furnace for making Steel that they and Each of them return me a Particular Account thereof with all Convenient Speed in order to my transmitting a Certificate of the same as by the said Act of Parliament I am commanded, And I do hereby Strictly Charge and require the Sheriff of Ann Arundel County to make this my Proclamation Publick in his said County in the usual manner as he will Answer the Contrary at his Peril.

Given at the City of Annapolis this 7th day of December in the 36th year of his Lordships Dominion Annoq Domini 1750

At a Council held in the Council Chamber on Wednesday the 20th day of february in the 36th year of his Lordships Dominion Annoq Domini 1750

p. 428 Present

His Excellency Samuel Ogle Esqr Governor

The honourable { Benjamin Tasker Esqr, Edmund Jenings Esqr / Col George Plater, Daniel Dulany Esqr }

His Excellency is pleased to lay before this Board the following Letter of the Governor of South Carolina

So Carolina 7th July 1750

Sir

There is a Nation of Indians called the Catawbas who have been always firmly Attatched to this Government and tho they are a very brave People, yet there seems to be great danger of their being totally destroyed, as many Nations of Indians far Superior to them in Number, have for sometime Past carried on a War against them, those Nations Pass under the General Name of Nottaweegas, and they are Sometimes called Senecas, but it is certain that besides the five Nations, there are the Delawares and some of the Indians on the Ohio, as

well as the Susquehannah, and Virginia Indians, united in this Lib. C. B.
War, There is the Greatest Reason to think, that these Indians
are Set upon the Catawbas by the French, who weaken the
British Interest by making our friends destroy one another,
but besides the Loss of such Faithfull Allies as the Catawbas,
who have always Proved an excellent Barrier to this Province,
the Incursions of these Northward Indians is attended with
other bad Effects, for under the Pretence of going to War
against them, they Spread themselves over the whole Province,
and wherever they can find any Indian, as there are many that
live quietly among us in our Plantations, not being at War or
expecting War from any other Indians they knock them on
the head; They begin also to Attack and rob our White
People, as well as Negroes, and it may be difficult to deter- p. 429
mine where these Practices may end, if Longer Permitted, I
therefore hope that you will endeavour to dissuade any of the
Indians in Friendship with your Government, and all such as
you have any influence over, from coming to War against the
Creeks and Catawbas, who are equally the friends of the
English, and the Children of the same great King with your
Indians; but I must also desire that, besides Persuasive Argu-
ments, you will be Pleased to let them know, that if they
Continue to come into our Settlements, and if they cannot be
Prevailed upon to desist from making War upon the Catawbas
& Creeks and our Settlement Indians, an inoffensive harmless
People, We shall be under a Necessity of Revenging their
Quarrel, and will Publish a Reward for every Nottaweega or
Northern Indian, that may be kill'd in any of the Nations of
Indians in Amity with this Government, or by any Person
who may meet with them in Our Settlements.

I am S^r^

Your Most Obed^t^ & Most Hble Serv^t^

Honble Gov^r^ Ogle. James Glen

P. S. At foot hereof are Copies of two Permits from two of the Inhabitants (supposed to be Magistrates) of Maryland taken from some Northern Indians lately killed by the Catawbas; I hope you will make an enquiry into this Matter and discourage anything of the Like kind for the future

Copy. This Certifies unto all of his Majesty's Subjects whom it may concern that the Bearers a Cap^t^ with 13 men of his men being French Mingos called Carriwago Roonnes have begged of me to let the Inhabitants know as they pass thrô in their way to the Cotapa Country, that they shall behave themselves Civilly, and do begg not to be Molested, and also refreshed with a little Victuals in their Necessity, in so doing p. 430
shall thank their Brethern Gratefully

Lib. C. B. Given under my hand Signed by their directions this first day of September 1749 Signed

Thos Mc Kee

Maryland Fred. County ss.

These are to desire the Several Inhabitants of Fredk & Augusta County to Permit the Bearers hereof to Pass unmolested they behaving themselves civilly, and also to Supply them with necessary Provisions, and to render a Just Account unto me of what they disbursed and I will take care that the Account thereof shall be allowed them by the Governor without giving them further trouble

Given under my hand this Ninth day of September 1749.

Signed Thomas Cresap

Which Letter and Papers being read It is the humble Advice of this Board that his Excellency be Pleased to Send the following answer thereto

Maryland 20th february 1750

Sir

I am favoured with yours of the 7th last July, and wish there was not the just Cause given, which you mention, of Complaint and Apprehensions from the War carried on between the Northern and Southerne Indians; It seems extremely Probable, that whatever the first rise may have been, the French endeavour by their Intrigues to Continue it.

We have no Indians either in, or so nearly bordering on this Province, as that any Particular Influence from this Government can be of much Availe, However I shall not Slip, what Opportunity may Possibly offer, of dissuading the Indians in a Continuance of this War.

The Indian road through this Province Lyes upon the Skirts of our Inhabitants, I am Persuaded the Pass Granted by Cresap (Mc Kee is not) one of our Magistrates was obtained by an application in a friendly and Quiet manner and for no unwarrantable purpose known to Cresap, But I shall be glad to discountenance what may appear Detrimental to any Indian Friends to our Nation. I am

Sr yr most Obedt hble Servant

Sam: Ogle

His Excellency is pleased to lay before this Board the following Letter from the Governor of New York

Fort George in New York 18th December 1750

Sir

I take this early opportunity to acquaint you with my Intentions to meet the Six Nations of Indians and their Allies at

Albany, the first week in June next; in hopes of Confirming Lib. C. B.
them in the British Interest, and defeating the Intrigues of the French, who of late have been very Active among them, and, by the large quantities of Goods they have distributed to the Several Nations, may have rendered their Fidelity to the English very Precarious

The Expence this Government hath continually Supported to preserve the Indians in a good disposition towards us, has been very burthensome, and the great Pains the French are taking to Seduce them, will greatly Increase this Charge, which any Single Colony will be unable to bear, If the other Colonies should Neglect Joyning therein, it may give our Rivals the Advantage they have been long Labouring to Obtain, over the English Governments, and in the end be a means of our losing the Indians, and with them a very valuable Branch of Trade; Besides the Calamities we may have Reason to fear, from their going over to the French, which are too Obvious to need mentioning The present Wavering Disposition of the Indians may in a Great measure be imputed to their dread of the French which will ever Influence their Conduct, as long as the Colonies remain disunited in their p. 432
measures, But if they see we are united and Resolved hereafter to Act in Conjunction, their fears will disperse, and they may easily be brought to look with Contempt on what they before dreaded, Seeing they might then rely on a Powerful Assistance from us, if the French should Attack them: And as nothing can more tend to his Majestys Service, and the Welfare & Safety of his Provinces, than this Union of Councils amongst the Several Governors upon Indian affairs; I now Communicate my thoughts on this head, to all the Governors of the British Colonies upon the Main of America, In hopes that they will See the Necessity of establishing such an Union, and if they cannot attend the Treaty at Albany in Person, then to send Commissioners to concert and conclude on the Necessary Measures, to be taken on this important occasion; assuring myself they will Come furnished with Proper Presents, to be distributed among the Indians at this Meeting, At which I flatter myself with your Assistance or that of Commissioners from your Government

If this Proposal of an Interview between the Several Governors, or Commissioners representing them, be Approved of, and they meet accordingly, it will I conceive be very Proper they should Examine into, and draw up a State of the Indian Affairs, to be laid before his Majesty; and at the same time Consider, whether it would not be a Proper Step, to agree on a Representation to the Governor General of Canada, touching the Conduct of some of the Governors and Officers under

Lib. C. B. him, who have been Guilty of Infractions of the Treaties of Peace Subsisting between Great Britain and France, and
p. 433 Particularly of the 15th Article of the Treaty of Utrecht, especially if it is done with such a Concurrence upon good Proofs, which I hope all who know of any such, will come furnished with or with the means of Procuring them

Some other Governments I send this Letter to, may possibly think they have no concern with Indian Affairs, because other Provinces lye between them and the Indians. But if our Indians should be gained by the French, they may soon be induced to harras the Colonies lying between such other Governments and the Indians, so as to oblige the Inhabitants to desert them, as lately happened to the greatest Part of the County of Albany in this Province In this Case (which God avert) they will find, when too late, that they had an Interest in Indian Affairs, to which if they had duly attended, these dreadful Consequences might for ever have been prevented; And as the very news of such an Union of Councils must on the one hand greatly encourage the Indians to be Steady to the British Interest; so on the other, it may tend to discourage the French from continuing their endeavours to draw over Our Indians from us.

I am with great Regard

S^r^

Your Honours Obedient humble Serv^t^

The Hon^ble^ Governor Ogle. G: Clinton

Which Letter being read It is the humble Advice of this Board that his Excellency be pleased to Send the following Answer thereto

20 feb^ry^ 1750

Sir

Your favour of the 18th of last December did not reach my hands before the 18th Instant

I am very Sensible of the Consequences which you mention may be Apprehended from a Neglect to Preserve the Indians in a good Disposition towards us, And that nothing could Contribute more to this Purpose than a Resolution of all the
p. 434 British Plantations on this Continent to Act in Conjunction; What is in my Power shall not be wanting for Establishing such an Union, But as you very rightly observe, some Governments (or rather Assemblys) may think, from their Scituation, they have little or no concern with Indian Affairs, And I am Sorry to own this mistaken Notion has too much weight with our Provincial Assembly, who, from their little or no Interest in any Branch of Indian Trade, And this Province be-

ing Surrounded with other Governments, Consider the Danger as too Remote to Influence their Concurrence, with my repeated Instances, agreeable to your former Letters on this head; and which you will perceive by the Inclosed Copys of my Messages and their Answers. However I shall not fail in pressing them again on the Subject, when they meet, which Probably will be in May next; Should I be then agreeably Disappointed, by their willingness to Answer your Expectations, I shall give you the most early Notice in my Power; But as it is, We have no Fund here in the Power of Government for such Applications, And Commissioners without Money or Presents cannot be Serviceable in an Indian Treaty Lib. C. B.

If I should be at any time Apprized, by Proofs or otherwise, of any Infraction of the Treaty of Utrecht, and Particularly the 15th Article you may be Assured of my Care to furnish you with what Information I receive.

I am

S^r^ Y^r^ most Obed^t^ humble Servant

The honble Gov^r^ Clinton — Sam: Ogle

Several Sheriffs Bonds being laid before this Board for Approbation of their Sureties, the same were accordingly approved of except Thomas Sheredine Sheriff of Baltimore County, whereupon the following Order issued to the Justices of the said County.

By the Governor and Council
20 february 1750

The Bond of Thomas Sheredine as Sheriff of Baltimore County taken by the Iustices of the said County Court for the due Execution of his Office as Sheriff with Thomas Sligh and John Paca jun Sureties dated 6th of November last having been laid before this Board by the Chief Clerk of the Provincial Court for his Excellency's Approbation, His Excellency has thought proper with the Advice of his Lordships Council of State to disallow of the said Bond, and to order that a New Bond be taken p. 435

His Excellency having communicated to this Board the Proceedings under the Commission of Oyer and Terminer and Goal Delivery lately issued to Dorchester County, whereby It appears that the Commissioners had passed Sentence of Death on a certain John Mackmical for Murder, and also on Negro Sharper the Slave of Zabdiel Potter for ravishing a white Woman named Elizabeth Hull; It is the humble Advice of this Board that his Excellency be pleased to order Warrants to issue for their Execution.

Lib. C. B. At a Council in the Council Chamber on Thursday the 14th day of March in the 36th year of his Lordships Dominion Annoq Domini 1750

Present

His Excellency Samuel Ogle Esqr Governor

The hon̄ble { Benjamin Tasker Esqr, Coł Cha. Hammond; Coł George Plater, Daniel Dulany Esqr; Edmund Jenings Esqr, Benedict Calvert Esqr }

His Excellency is pleased to acquaint the Board that upon receiving a Letter from Mr John Caille Clerk to the Commission of Oyer and Terminer and Goal Delivery lately issued to
p. 436 Dorchester County, he had not sent down the Dead Warrants for John Mackmical and Negro Sharper; Which Letter being read, and It appearing thereby that the Commrs under the said Commission met and published the same on the first day of February last, and then adjourned 'till the Eleventh Day of the same Month, Which Adjournment It is the Opinion of this Board was irregular, for that the Commrs ought only to have adjourned from Day to Day, so that all the Proceedings under the said Commission are erroneous; It is therefore ordered that the Clerk of the Provincial Court issue a Habeas Corpus directed to the Sheriff of Dorchester County to bring up the Bodies of John MacMichael & Negro Sharper now in his Custody detained in order to receive their Tryals at the next Provincial Court, and likewise that he send an Order directed to some of the Magistrates of the said County to bind over all the Witnesses to attend at the said Court to give Evidence against the said John McMichal and the said Negro Sharper.

Ordered by his Excellency the Governor that the following Instructions be Entered.

Additional Orders and Instructions Powers and Authorities to be observed and pursued by Our Welbeloved Thomas Bladen Esqr Our Lieutenant Governor of our Province of Maryland.

C. B.

As nothing can be more certain than that a due Weight and Authority is necessary in all Governments,

I must require you to be very careful not to give your Assent to any Law, or do any other Act that may in any manner weaken the Power and Authority of the Government of Maryland the due Support of which is as necessary for the welfare & Prosperity of the People in General, as for my own particular Interest, whatever Mistaken or popular Notion may be advanced upon this head.

And particularly you must not allow any Alteration to be made in the Assize Law passed by the late Governor or to the lessening of the Power of the Judges, nor must you pass even that Law, unless the Lower house pass the Bill for three pence ꝑ Hogshead for Arms and Ammunition in the usual manner Lib. C. B. p. 437

And whereas the Upper house for some time past before your Arrival in Maryland thought it reasonable to with hold Several of the Bills till the Bill for three Pence ꝑ Hogshead for Arms and Ammunition should pass in the Lower house, You are required for the future not to Pass any of the said Bills without that for Arms and Ammunition in the usual manner, that so necessary a Bill for the Safety and Defence of the Province and the others Desired by the Lower house may go hand in hand, as is usually Practiced in the other Governments of America; and which I find by the Proceedings of Assembly was all that the Lower house themselves pretended to contend for in the late Governors Time

And thô I am very far from desiring any unjust Article to be incerted or contended for in the Levy Bills, Yet I must require you in the most especial manner not to suffer any of the just fees and Perquisites of the Officers, or any of the necessary Expences of the Government particularly in Relation to the Indians to be disallowed by the Lower house but that you Absolutely refuse to Pass the said Bill unless fair and equal Justice be done to all Persons without Distinction.

And you are likewise to take care that in all the Penal Parts of Law the fine be Applyed to the Support of Government as usual.

As to my Private Property which is so much under your Care both as Governor & Chancellor I desire nothing but equal Justice with my Tenants in all Respects, And that as you will always have it in your View to do Justice to them you may have the same Regard to my just Rights & Property and be particularly Careful that in all Acts Relating to Land Affairs there be nothing inserted in them to my Prejudice and I hope you will always take Care to consult with my Agent in every thing relating to my Interest and have a due Regard to his just Representations p. 438

And if any thing of very great Consequence comes under your Consideration that you suspend doing any thing therein, till you have acquainted me with it and received my Directions

Given under Our hand and lesser Seal at London the 26th day of March in the Twenty Ninth year of Our Dominion Annoq Domini 1743.

C. B.

By his Lordships Command
John Browning Secretary

Lib. C. B. At a Council held in the Council Chamber on Wednesday the 3d Day of April in the 36th year of his Lordships Dominion Annoq Dni 1751.

Present

His Excellency Samuel Ogle Esqr Governor

The hon̄ble { Benjamin Tasker Esqr, Edmund Jenings Esqr, Coł Cha Hammond } { Daniel Dulany Esqr, Benedict Calvert Esqr }

His Excellency having been pleased to communicate to this Board a Copy of the Record of the Proceedings of the Justices of Calvert County whereby It appeared they had passed Sentence of Death at their last March Court upon Negro Tangio the Slave of Mr James Heighe of the said County for a Felony and Burglary by him committed It is ordered with the Advice of this Board that Warrant issue for his Execution on Friday the 12th Instant; And also the Record of the Proceed-
p. 439 ings of the Justices of Ann Arundel County Court, whereby It appeared that They had passed Sentence of Death upon Negro Jenny and Negro Grace the Slaves of a Certain Joseph Galloway of the said County for wilfully burning a Tobacco House belonging to the said Galloway; It is ordered with the Advice of This Board that Warrants issue for their Execution on Friday the 12th Instant

PROCEEDINGS

OF THE

COUNCIL OF MARYLAND.

FREDERICK CALVERT, LORD BALTIMORE,
Proprietary.

SAMUEL OGLE,
Governor.

1751–1752.

At a Council held at the House of his Excellency the Gov- Lib. C. B.
ernor on Friday the 26th day of April in the 37th year of his Lordships Dominion Annoq Domini 1751.

Present

His Excellency Samuel Ogle Esqr Governor

The honble { Col George Plater, Edmund Jenings Esqr, Col Charles Hammond } { Daniel Dulany Esqr, Benjamin Young Esqr, Benedict Calvert Esqr }

His Excellency having communicated to this Board a Report made to him by the Justices of the Provincial Court of their having passed Sentence of Death at April Term on a Certain Jeremiah Swift a Convict Servant of a certain John Hatherly of Ann Arundel County for the barbarous Murder of Elizabeth Hatherly Daughter to the said John, and that It appeared to the said Court the Murder was perpetrated with all imaginable Circumstances of Horror and Cruelty; It is ordered by his Excellency with the Advice of this Board that the said Jeremiah Swift be hung in Chains as near as may be to the Place where the Fact was committed

At a Council held in the Council Chamber on Thursday the 29th Day of May in the 37th year of his Lordships Dominion Annoq Domini 1751

Present

His Excellency Samuel Ogle Esqr Governor

The honble { Benjamin Tasker Esqr, Col George Plater, Edmund Jenings Esqr } { Col Charles Hammond, Daniel Dulany Esqr, Richard Lee Esqr, Benedict Calvert Esqr } p. 440

William Cuming Esqr produces to this Board a Transcript of a Record from St Marys County Court, which follows in these Words.

Saint Marys County ss.

At a County Court of the Right honourable Charles Absolute Lord and Proprietary of the Provinces of Maryland & Avalon Lord Baron of Baltimore &c. held at Leonard Town for the County afd on the first Tuesday and Sixth day of November in the 36th year of Our Dominion &c. Anno Domini 1750, before the Worshipful Thomas Asquith Captain Zachariah

Lib. C. B. Bond Mr James Mills Mr Philip Clarke Captain James Biscoe Mr George Bowles Mr John Cartwright and Captain Gilbert Ireland, Gentlemen Justices by his Lordships Commission of the Peace in and for the County aforesaid Lawfully Authorized and assigned

Richard Ward Key Clk

Robert Chesley Gent.

Among the Records and Proceedings of the said Court was as follows.

On the Motion of William Jones to this Worshipful Court. Command was given to the Sheriff of St Marys County that he Summon Dennis Burne and James Burne of this County that all Excuses and delays set apart they be and appear before the Justices of Our County Court to be held at Leonard Town in the County aforesaid on the first Tuesday in November then next and bring with them the Children of Solomon Jones late of the County aforesaid deceased thereof they were not to fail &c. At which said first Tuesday in November that is to say now here at this day to wit the Sixth day of the same Month Anno Domini 1750 being the day of the said Summons Comes as well the said William Jones by Thomas Clark his Attorney as the said Sheriff of St Marys County to whom the same was directed who makes return thereof Endorsed, Summoned p Robert Chesley Sheriff, And the said Dennis Burne and James Burne by Jeremiah Chase their Attorney came and defended the force and Injury when and So forth and produce
p. 441 to the Court here the Copies of two following Wills.

In the Name of God. I Solomon Jones of St Marys County in the Province of Maryland being Weak but of Sound and Perfect Memory thanks be to God, and being willing to Settle what worldly Estate it hath Pleased God to bestow upon me Do make and Ordain this my last will and Testament, first I give my Soul to Almighty God who gave it hoping by the Merits of my blessed Saviour to obtain full Remission of my Sins, and my Body to be Buried at the discretion of my Execrs hereafter Named, first I give and bequeath unto my beloved Wife Catherine one third part of all my Lands during her natural Life and one third part of all my Personal Estate as her Proper right for ever I give and bequeath unto my Son James one Horse Saddle & Bridle the Horse to be a likely Horse of four years old and the Saddle & bridle of fifty Shillings Price and that to be his full part of my Personal Estate, My desire is that all the Remainder of my Personal Estate be equally divided amongst my other Children, Margaret, Monica, Solomon, Walter, and if my wife is now with Child, that to have an equal part with them and my Will

and desire is that my wife have the care and tuition of all Lib. C. B.
my Children till they arrive to following years Viz. the boys to the age of Twenty and one years and the Girls to the age of Sixteen years, and they to be brought up at her discretion and She to have the Several parts of my Estate in her Care untill they arrive to the ages above, I do hereby Revoke and make Void all wills by me formerly made and ordain this to be my last will & Testament and do hereby Constitute and appoint my beloved Wife Catherine my full Executrix in Execution thereof In witness whereof I have hereunto put my hand and Seal this 6th day of March Anno Domini 1748/9

Solomon Jones

Signed Sealed and delivered in the Presence of James Egerton, Robert Holton, John Jones, James Burne. On the back of the foregoing Will was thus written Viz.

Stt Marys County ss. April the 24th 1749 Then James Egerton, John Jones and James Burn three of the Subscribing Witnesses to the foregoing Will being duly and Solemnly Sworn on the Holy Evangels of Almighty God Depose and Say that they Saw the Testator Solomon Jones Sign the foregoing Will and heard him Publish and declare the same to be his last Will and Testament. That at the same time of his so doing he was to the best of their Apprehension of Sound and p. 442
disposing mind and Memory and that they Subscribed their Respective names as Witnesses to the said Will in the Presence of the said Testator and at his request, Sworn to before me Tho: Asquith Deptv Comrv of St Marys County.

In Testimony that the aforegoing is a True
[Seale] Copy from Liber D D N° 5 folio 16 the Seal of the Prerogative office at the City of Annapolis is hereunto affixed this 1st day of December Anno Domini 1750.

p Richard Dorsey Regr Cur. Prer.

In the Name of God Amen I Catherine Jones of St Marys County in the Province of Maryland being Weak but of Sound and Perfect Memory thanks be to God and being willing to Settle what worldly Estate it hath pleased God to bestow upon me, do make & ordain this my last will and Testament, first I give my Soul to Almighty God who gave it hoping by the Merits of my blessed Savior to Obtain full Remission of my Sins, and my body to be buried at the discretion of my Executors hereafter named. I give and bequeath unto my Son Solomon Jones a young Horse Saddle and Bridle to the worth of five Pounds to be delivered him when he arrives to the age of Eighteen years.

Lib. C. B. Secondly it is my Will and desire that the remainder of my Estate be equally divided among my four Children Margaret, Monocy, Walter and Bridgett at the discretion of my Executors hereafter named.

Thirdly it is my will and desire that all my Children and Estate be & Remain in the Care and tuition of my two brothers Dennis Burne & James Burne untill they shall Arrive to full age that is my Sons to the Age of Twenty one years and my daughters to the age of Sixteen years or the day of Marriage which shall first happen.

Fourthly it is my Will & desire that my two brothers before mentioned shall Settle my deceased husbands Estate with the Commissary in behalf of my Children and it is my true Intent and meaning that if the Court should see fit to Move my Children out of the care of my two brothers that their Estates shall Still be and remain in their Possession to keep for the good & Safety of my said Children.

Fourthly I do hereby Revoke and make void all Wills by me made and Ordain this to be my last Will and Testament and do hereby Constitute and appoint my two brothers Dennis Burne and James Burne my full and Joynt Executors in Executing thereof and it is my full desire that my Son Solomon and my daughter Bridgett do Live with my brother James Burne,
p. 443 and my daughters Margarett and Monocy and my Son Walter with my brother Dennis Burn. In Witness whereof I have hereunto Set my hand and Seal this the 3d day of February 1749.

her
Catherine × Jones [Seale]
mark

her
Signed Sealed in the Presence of Mary × Martin,
her mark
Sarah × Hopkins, John Conally.
mark

At the foot of the aforegoing Will was thus written ss^{t}

S^{t} Marys County ss^{t} February 28th 1749. Then Mary Martin and John Conally two of the Subscribing Witnesses to the foregoing Will being duly and Solemnly Sworn on the Holy Evangels of Almighty God Depose and Say that they Saw the Testator Catherine Jones Sign the foregoing Will and heard her Publish and declare to be her last Will and Testament. That at the Time of her so doing She was to the best of their Apprehension of Sound and disposing mind & Memory and that they Saw Sarah Hopkins Sign the same as a Witness to the said Will in the Presence of the said Testatrix. Sworn to before me Tho: Asquith Dep^{ty} Com^{ry} of S^{t} Marys County

In Testimony that the aforegoing is a True Lib. C. B.
[Seal] Copy from Liber D D N° 6. folio 191, the Seal of the Prerogative Office at the City of Annapolis is hereunto affixed this 1st day of November 1750.

p Richard Dorsey Regr Cur. Prer.

Which being Seen heard and fully understood Mature deliberation being thereupon also had it is Ordered by the Court that the Children of Solomon Jones who died a Protestant be removed from the Care of Dennis Burne and James Burne who are Deemed Papists unto the Custody & Care of William Jones to be brought up and Educated in the Protestant Religion and that the Interest of the Estate be Paid to the said William Jones for the Support of the Orphans, And that they Continue with the said William Jones untill such time as some other Protestant Relation whom the Court shall approve of will take and bring them up in the Protestant Religeon

Whereupon the said Dennis and James by their Attorney aforesd Pray an Appeal from the said Judgment of the Court to the Honourable the Governor and Council, which was Granted

In Testimony that the aforegoing is a True
[Seal] Copy taken from the Records of St Marys County Court the Publick Seal of the said County is hereunto Affixed this 8th day of April 1751

p Richard Ward Key Clk Com. Predt

Upon reading and considering the aforesaid Transcript It p. 444
is the Opinion of this Board and ruled accordingly that the Judgment of the County Court be affirmed unless Cause be shewn to the Contrary by Tuesday the Eleventh Day of June next.

At a Council held in the Council Chamber on Tuesday the 4th Day of June in the 37th year of his Lordps Dominion Annoq Domini 1751

Present

His Excellency Samuel Ogle Esqr Governor

The honble	Benjamin Tasker Esqr	Daniel Dulany Esqr
	Col George Plater	Col Edward Lloyd
	Edmund Jenings Esqr	Richard Lee Esqr
	Col Charles Hammond	Benedict Calvert Esqr
	Sam Chamberlain Esqr	

Mr John Beall of Prince Georges County prefers to this Board the following Petition.

Lib. C. B. To his Excellency Samuel Ogle Esq[r] Governor & Commander in Chief in and Over the Province of Maryland And to the Honourable his Lordships Council

The Petition of the Freeholders of King George Parish in Prince Georges County

Most humbly Sheweth

That in pursuance of an Act of Assembly the Freeholders of the said Parish met on Easter Monday the Eighth day of April last at the Parish Church (at Broad Creek) and there (by a great Majority) Elected M[r] John Beall jun[r] and M[r] David Ross for Vestrymen, and M[r] John Baynes and M[r] John Row for Church Wardens as appears by a Certificate annexed to this Petition, Signed by John Willing Register of the said Parish, and yet you will See from the said Certificate that the Vestry met on the Seventh day of May Last and made a
p. 445 Resolve (after M[r] John Beall jun[r] Appeared & offered to Qualify as a Vestryman in Consequence of his Election) that no Dissenter hath a Right to bear Office in the Church of England and in Pursuance of that Resolve refused to Admit the said M[r] John Beal jun[r] as a Vestryman, and also Talk of Summoning the Freeholders to a New Election

Now as your Petitioners esteem such a Resolve unprecedented, & inconsistent with the Laws of this Province; and apprehend that the Vestry have a farther View of Excluding also M[r] David Ross and M[r] John Row, by that Resolve; which would not only frustrate the Freeholders in their Choice of Vestrymen, now & in times to come, but in a great Measure disapoint their Expectations of an enquiry into the Preceeding Conduct of the Vestry which your Petitioners humbly Apprehend has not in many Instances been agreeable to Law

Therefore your Petitioners humbly Pray that a Stop may not only be put to the Vestrys Proceeding to a New Election but that direction may be given that M[r] John Beall jun[r] may be Admitted as a Vestryman on taking the Oaths directed by Our Act of Assembly. And your Petitioners as in duty bound shall ever Pray &c.

Signed by Sev[l] of the said Parishioners

To which Remonstrance the following Answer was preferred

To his Excellency the Governor and the honourable the Council.

The Petition of Henry Addison, Clerk Rector of King George's Alias S[t] Johns Parish in Prince Georges County on behalf of himself and the Vestry of the said Parish

Humbly Sheweth Lib. C. B.

That at the last Election of Vestrymen for the said Parish Mr John Beall and Dr David Ross were Elected Vestrymen and Mr John Row Church warden that Mr Beall offered to Qualify himself to Act but Dr Ross and Mr Row never appeared to Qualify themselves and therefore [no objection] was or could be made to them That the said Mr Beall was objected to because he was Publickly known to be a Disenter from the Church of England and therefore could not be Supposed to be a friend to its Discipline But whether the above Objection be a Legal one by the Laws in force in this Province is humbly Submitted to p. 446 the Decision of your Excellency & Honours Mr Beall not being Content to bring the Validity & Legality of his Election into dispute hath taken upon himself to asperse your Petitioner and the rest of the Vestry with having misapplied the Parish Money or Tobacco that fell into their hands in General Terms without mentioning one particular Fact althô often called upon so to do In View of Slandering your Petitioner (as he apprehends) and the rest of the Vestry Your Petitioner therefore humbly Prays that the said Mr Beall may be ordered to Produce in writing the Instances of the Misapplication (if any such have been) He alludes to in his Petition that those who are Charged may have an Opportunity of Vindicating their Characters.

H Addison

Upon reading the aforegoing Petition of several of the freeholders of King Georges Parish, and the Remonstrance of the reverend Mr Henry Addison Rector of the said Parish, It is the Sense of this Board, and It is accordingly ordered that the Vestrymen of King Georges Parish admit the said John Beall as a Vestryman of the said Parish on his taking the Oaths directed by the Acts of Assembly of this Province

7th June 1751

Ordered by his Excellency the Governor that the following Proclamation issue

Maryland ss.

By his Excellency Samuel Ogle Esqr Governor & Commr in Chief in and over the Province of Maryland

A Proclamation

Whereas His Majestys Commands have been signifyed to me by His Grace the Duke of Bedford One of his Majtys principal Secretary's of State by his Grace's Letter of the 17th of

Lib. C. B. February last signifying that I should cause Publick Notice to be given throughout my Government of His Majesty's Treaty of Commerce signed & concluded by M[r] Keene His Majesty's Embassador Extraordinary on the 5[th] Day of October last past
p. 446 N: S: at Madrid with his Catholick Majesty's Minister Plenipotentiary to the End that all his Majesty's Subjects may reap the Benefit of his unwearied Endeavours for procuring them such Advantages and avoid giving the least Ground for such Complaint as may in any wise interrupt the good Harmony so happily reestablished between the Two Crowns I have therefore thought fit with the Advice of his Lordships Council of State to issue this my Proclamation notifying the same and strictly charging and requiring the sev[l] Sheriffs of this Province to make this my Proclamation publick in their said Counties in the usual manner that All Persons concerned may have Notice thereof as They will answer the Contrary at their Peril Given at the City of Annapolis this 7[th] day of June in the 37[th] year of his Lordships Dominion Annoq Domini 1751.

At a Council held at the House of his Excellency the Governor on Thursday the 19[th] Day of September in the 37[th] year of his Lordships Dominion Annoq Dni 1751

Present

His Excellency Samuel Ogle Esq[r] Governor

The honourable { Benjamin Tasker Esq[r], Edmund Jenings Esq[r], Col[o] Charles Hammond } { Daniel Dulany Esq[r], Benedict Calvert Esq[r] }

Upon Application to this Board by M[r] Michael Macnemara who was appointed Clerk of a Court of Delegates by his Excellency to know what Fees he should charge for Services done by him as Clerk of the said Court; It is the Opinion of this Board and It is accordingly ordered that for the future Every Clerk of a Court of Delegates shall receive the same Fees as are allowed by Law to the Clerk of the Court of Appeals

At a Council held in the Council Chamber on Wednesday the 25[th] Day of September in the 37[th] year of his Lordps Dominion Annoq Domini 1751.

Present

His Excellency Samuel Ogle Esq[r] Governor

The honourable { Benjamin Tasker, Edmund Jenings, Col[o] Charles Hammond } { Daniel Dulany Esq[r], Benedict Calvert Esq[r] }

William Cumming Esq[r] of Council with James Burne on behalf of Solomon Jones's Orphans exhibits to this Board the following Reasons for the Reversal of a Judgment of the Justices of S[t] Marys County Court, Copy of which Judgment was preferred to this Board on the 29[th] of May last. Lib. C. B.

James Burne on behalf of Solomon Jones Orphans at suit William Jones } Before the Governor and Council

Reasons for the Reversal of a Judgment given in favour of the Plaintiff in S[t] Marys County Court

1[st] That Solomon Jones the Father of these Orphans by his Will in writing duly Executed gave the Tuition and Guardianship of three Children to his wife Catherine Jones and some time thereafter departed this Life.

2[d] That Catherine Jones the Wife of the said Solomon and Mother of the said Children by her Will in writing duly Executed gave and left the Tuition and Guardianship of the said Children to her two Brothers James and Dennis Burne, which said Dennis is Since dead

3[d] That Sundry People well and intimately acquainted with the above named Solomon Jones and William Jones upon Oath declare that they at Sundry times have heard the said Solomon Jones as well in his last Sickness at the making his last Will & Testament as at other times Say, his Brother William Jones should never have the care or Management of, or any thing to do with his Children there having been for Several years a Violent and Strong Enmity Variance and Law Suits depending and Subsisting between the said Solomon and the said William Jones p. 448

But though the Matters did Appear as aforesaid before the Justices of S[t] Marys County yet they ordered the Care and Tuition of the aforesaid three Children to the said William Jones their Uncle from which Order your Petitioner hath Appealed to your Excellency and Honours and humbly Prays that the said William Jones may have a Short day to Answer the same And that the Order made by the said Justices may be Reversed

And Your Petitioners shall ever Pray &c.

William Cumming

Which Reasons being read and upon hearing the Arguments of the Council and upon mature Deliberation thereupon had It is by this Board ordered and adjudged that the Judgment given in the aforesaid Cause by the Justices of

Lib C. B. S[t] Marys County Court be affirmed and It is hereby affirmed accordingly

30[th] Septem[r] 1751

Ordered by his Excellency the Governor that the present general Assembly of this Province which stands prorogued to the first Tuesday in October next be further prorogued to the second Tuesday in November next and Proclamations issued accordingly

p. 449 Maryland ss[t]

Be it remembered that on the second day of October in the Twenty fifth year of the Reign of Our Sovereign Lord George the Second by the Grace of God of Great Britain France and Ireland King Defender of the faith &c. and in the first year of the Dominion of the Right honourable Frederick Lord Baron of Baltimore Absolute Lord and Proprietary of the Provinces of Maryland and Avalon &c. Annoq Domini 1751, At the Council Chamber in the City of Annapolis appeared the honourable Samuel Ogle Esq[r] and in the Presence of the honb[le] Benjamin Tasker Esq[r] Edmund Jenings Esq[r] Colonel Charles Hammond Daniel Dulany Esq[r] Colonel Benjamin Tasker & Benedict Calvert Esq[r] Members of his Lordships Council produced his said Lordships Commission bearing date at London the Twenty fifth day of June Anno Domini 1751 constituting and appointing him the said Samuel Ogle Esq[r] Lieutenant General and chief Governor of the Provinces of Maryland and Avalon in America and also Commander in Chief both by Sea and Land of all the Forces raised or to be raised in the said Provinces which being published & read is Ordered to be Recorded in the Secretarys Office.

His Excellency the Governor then took the Several Oaths appointed to be taken by Act of Assembly of this Province as also the Oath following

I Samuel Ogle do Swear that I will be true and faithful to the Right honourable Frederick Lord Baron of Baltimore the true and Absolute Lord and Proprietary of this Province of Maryland and his heirs and him and them his and their Rights Royal Jurisdictions and Seigniories & all and Every of them in to and over this his Province of Maryland & the Islands and Territories thereto belonging I will at all times defend and
p. 450 maintain to the utmost of my Power, and will never accept any Place Office or Employment within the said Province any ways concerning or relating to the Government thereof from any Person or Authority but by from or under a Lawful Authority derived or to be derived from his said Lordship his heirs or Assigns; I will faithfully Serve his said Lordship as

his Governor or Commander in Chief of the said Province and Lib. C. B.
in all other Offices committed to my Charge by his said Lordships Commission or Commissions to me, and willingly yeild up the said Commission or Commissions again and all Offices Powers and Authorities Granted or to be Granted by them or any of them into the hands of his said Lordship his heirs or Assigns or to such Person or Persons as he or they shall appoint whensoever he or they shall appoint me so to do & shall Signify the same unto me; and will not presume to put in Execution or Attempt to Execute any office Power or Authority Granted unto me by any of the said Commissions after that his said Lordship or his heirs or Assigns Lords and Proprietaries of the said Province shall repeal them or any of them respectively and that the said repeals be published in this Province: I will do equal Right to the Poor and to the Rich within this Province to the best of my Skill Judgment and Power according to the Laws & Ordinances of this Province and in Default thereof according to my Conscience and best discretion, and to the Power Granted or to be Granted unto me by his said Lordships Commission or Commissions: I will not for fear favour or Affection or any other cause hinder or delay Justice to any but will truly execute the said Office and Offices Respectively according to his Lordships Commission to me in that behalf and to the true Intent and meaning thereof and not otherwise to the best of my understanding and Judgment: I will not know of any attempt against his Lordships Person or his Right or Dominion in to or over the said Province or the People therein but I will prevent resist or oppose it to the utmost of my Power and make the same known with all convenient Speed to his said Lordship and I will in all things from time to time as Occasion p. 451
shall require faithfully Council and Advise his said Lordship according to my heart and Conscience

So help me God

His Excellency the Governor took also the following Oath.

I Samuel Ogle Governor of his Lordships Province of Maryland do Solemnly swear that I will do my utmost that Every the Clauses Matters and things contained in the following Acts of Parliament of his Majestys Kingdom of Great Britain Viz. An Act Entituled an Act for the Encouraging & Encreasing of Shipping and Navagation made in the Twelfth year of the Reign of King Charles the Second; The Act for preventing frauds and Regulating abuses in his Majestys Customs made in the fourteenth year of the said Kings Reign; The Act for the Encouragement of Trade made in the fifteenth

Lib. C. B. year of the said Kings Reign; The Act to prevent the Planting of Tobacco in England and for Regulating the Plantation Trade made in the Twenty Second & Twenty third years of the said Kings Reign, and continued by a Clause in the Act against clandestine Runing of Goods and for the more Effectual preventing of frauds relating to the Customs made in the fifth year of the Reign of King George the first; The Act for the Encouragement of the Greenland and Eastland Trades and for the better Securing the Plantation Trade made in the Twenty fifth year of the said King Charles Reign; The Act for Preventing Frauds and regulating abuses in the Plantation Trade made in the Seventh and Eighth years of the Reign of King William the third; The Act for Encouraging the Importation of Naval Stores from her Majestys Plantations in America made in the third & fourth years of the Reign of her late Majesty Queen Ann so far forth as it is Continued and explained by an Act giving further Incouragement for the Importation of Naval Stores &c. made in the Eighth year of the Reign of King George the first; The Act to permit the Exportation of Irish Linen Cloth to the Plantations &c. made also in the third and fourth years of the same Queens Reign
p. 452 and continued and explained by an Act passed in the third year of the Reign of King George the first for continuing the Liberty of exporting Irish Linen Cloth to the British Plantations in America Duty free &c: The Act for an Union of the two kingdoms of England and Scotland made in the fifth year of the same Queens Reign in which are certain Articles Relating to the Plantation Trade more Particularly the fourth fifth and Sixth; The Act for ascertaining the Rates of Foreign Coins in her Majestys Plantations made in the Sixth year of the same Queens Reign; The Act for the Encouragement of the Trade of America Passed in the same year of the same Queens Reign; The Act for continuing several Importations Additional Importations and Duties upon Goods Imported &c. and to limit a Time for Prosecution upon certain Bonds given by Merchants (called in the Act Plantation Bonds) made in the Eighth year of the same Queens Reign; The Act against clandestine runing of uncustomed Goods and for the more Effectual preventing of Frauds relating to the Customs made in the fifth year of his late Majestys Reign; and the act giving further Encouragement for the Importation of Naval Stores and for other purposes therein mentioned made in the Eighth year of his late Majestys Reign; and also the act for the more effectual Suppressing of Pyracy made in the same year of his late Majestys Reign; now in force relating to this Province, and in all Other Acts of Parliament now in force or that hereafter shall be made relating to his Majestys Colonies and

Plantations shall be punctually & bona fide observed according Lib. C. B.
to the true Intent and meaning of the same Acts of Parliament
So help me God.

And also took the following Oath as Chancellor

I Samuel Ogle do swear that as Chancellor and Keeper of the Great Seal of this Province I will well & truly Serve his Lordship the Right honourable the Lord Proprietary of this p. 453
Province and do equal Right to all his Majestys Subjects to the best of my understanding Skill and knowledge, I shall not debar or hinder the Prosecution of Justice nor take any Gift Bribe reward or fee for the delaying thereof but will behave myself Justly and truly and hear Act Judge Decree & Determine all Matters that shall regularly come before me for determination according to Equity & good Conscience, according to the Duty of my said Office and according to the best of my Knowledge during my Continuance in the said Office or untill I shall be by Lawful Authority discharged therefrom
So help me God

All which said Oaths were Administred to his Excellency by the Members of his Lordships honourable Council now Present.

After taking the Several Oaths aforesaid his Excellency Subscribed the Oath of Abjuration and Test according to the Directions of the Act of Assembly aforesaid.

The Several Members of his Lordships Council now present take the Oaths to the Government appointed to be taken by Act of Assembly, and also the Oath of Councillor and subscribe the Abjuration and Test

Advised Resolved and Ordered that a proclamation be forthwith issued for the Publication of his Excellency the Governors Commission, and directing all Officers Civil and Military to renew their several Commissions held under the right honourable Charles late Lord Baltimore.

By his Excellency Samuel Ogle Esq^{r} Governor & Commander in Chief in & over the Province of Maryland

A Proclamation

Whereas Frederick Absolute Lord and Proprietary of the Provinces of Maryland and Avalon Lord Baron of Baltimore &c. by his Commission under his Great Seal at Arms bearing date at London the Twenty fifth day of June Anno Domini

Lib. C. B. p. 454 1751, has with the Approbation of his most Sacred Majesty been Pleased to Constitute me the said Samuel Ogle Governor & Commander in Chief in and over his Lordships Province of Maryland which Commission was this day Published in the Presence & hearing of the Members of his Lordships honourable Council and Others the Kings Subjects his Lordships Tenants in this Province at the City of Annapolis: I have therefore by and with the Advice of his Lordships Council of State thought fit to issue this my Proclamation Notifying the same to all Sheriffs Magistrates & others his Lordships Officers in this Province. And I do further Will and direct that all Officers both Civil and Military holding their Several and Respective Offices by Virtue of Commissions in the Name of or under the Authoritys and Powers derived from the late Charles Lord Baltimore deceased Renew forthwith such Commissions. Given at the City of Annapolis this Second day of October in the Twenty fifth year of the Reign of Our Sovereign Lord George the Second of Great Britain &c. King and in the first year of his Lordships Dominion Annoq Domini 1751

J Ross Cł Conl.

{ Great Seal }

His Excellency is pleased to lay before this Board the following Instructions

Orders and Instructions to be pursued by our Trusty and well beloved Samuel Ogle Esq[r] Lieutenant General and Chief Governor of the Provinces of Maryland and Avalon in America

Whereas we the Right Honourable Arthur Onslow Esq[r] and John Sharpe Esq[r] Guardians of the Person and Estate of the Right Honourable Frederick Absolute Lord and Proprietary of the said Provinces of Maryland and Avalon & Baron of Baltimore in the Kingdom of Jreland an Infant of the Age of Nineteen years and upwards Have by Our Commission bearing even date with these Presents by and with the Privity Consent and Approbation of the said Frederick Lord Baltimore appointed you the said Samuel Ogle Lieutenant General and Chief Governor of the said Provinces during our Pleasure
p. 455 and the Minority of the said Frederick Lord Baltimore, which Commission you will herewith receive

Now we do by these Our Instructions require and direct—

1[st] That you do immediately on Receipt of the said Commission proceed in the making your Commission known as you and your Predecessors have heretofore done

2d That you fill up the Vacancys in the Council which have been Occasioned by the Death of the late Lord Proprietary with the Names of the former Councillors or of so many of them as shall at the Time when these Presents come to your hands be living with the Addition of such others as you shall find Necessary in the Room of such of the said Councillors as shall be then dead. Lib. C. B.

3d That you do in like manner renew and fill up all the other Places and Offices in the said Provinces which have become Vacant by the Death of the said late Lord Proprietary by Reinstating the late Possessors thereof in their respective Places and Offices And if any of such Officers shall be dead by appointing other proper Persons to Succeed to their Places for which purpose you are to Grant the usual Commissions.

4th You shall Advise with the Council about calling of the Assembly

5th If there are any Revenue Laws which expired with the Death of the late Lord Proprietary or if there are any other Laws which then Determined and are proper to be continued you are immediately on the calling such Assembly to recommend to the Council & Assembly the forthwith Reenacting & Renewing of all such Laws.

6th You are to Conform to all such Orders and Instructions as were Sent to you by the late Lord Proprietary or have been at any Time heretofore Sent to your Predecessors the former Governors of the said Provinces as you shall find them entred on the Council Books of the said Provinces so far as the same are not altered or Varied by these Presents and where any Instructions have been Varied or altered by Subsequent Instructions you are to follow such last Instructions.

7th You are by the first Opportunity to transmit to us the Names of all such New Members of the Council and other Officers as you shall appoint in the Place or Stead of any which shall be Dead as aforesaid for our Approbation and p. 456 from time to time as Opportunitys shall Offer Transmit unto us an Authentick account of all your Proceedings by Virtue of the said Commission & these Our Instructions And also of the Publick Transactions of the said Province in like manner as has been heretofore done to the late Lord Proprietary and his Predecessors.

8th If any Emergency of Government shall arise not Provided for by these Our Instructions you are to Act therein according to your best Discretion with the Opinion and Advice Nevertheless of the Council for the time being Transmitting to us the earliest Account of such your Proceedings

9th You are to Cause these Instructions to be forthwith entred on the Council Books of the said Province.

Lib. C. B. Given at London this 25th day of June 1751 in the first year of the Dominion of the said Frederick Lord Baltimore Annoq Domini 1751. Under the hands and Seals of the said Arthur Onslow and John Sharpe with the Approbation of the said Frederick Lord Baltimore Testified under his hand & Seal hereunto Set

Ar: Onslow [Seal]
Baltimore [Seal] Jn° Sharpe [Seal]

His Excellency is pleased to lay before this Board the following Order of his Majesty in Council

At the Court at S^{t} James's
the 24th of April 1751

Present

The Kings most Excellent Majesty in Council

His Majesty having been Pleased to create His Royal highness Prince George, Prince of Wales, It was thereupon this day Ordered by his Majesty in Council, that in the Morning and Evening Prayers, in the Litany and in all other Parts of the Publick Service, as well as in the Occasional Offices in the Book of Common Prayer, where the Royal Family is appointed
p. 457 to be Particularly Prayed for, the following form & Order should be observed viz.

Their Royal Highnesses George Prince of Wales, The Princess Dowager of Wales, the Duke, the Princesses, & all the Royal Family.

And to the End that the same form and Order may be observed in all his Majestys Plantations in America, His Majesty doth hereby Order, that the Deputy Governor of the Province of Maryland for the time being do Cause the same to be forthwith Published in the Several Parish Churches, and other Places of Divine Worship within the said Province, and do take Care that Obedience be paid thereto accordingly.

W Sharpe

Ordered by his Excy the Gov^{r} with the Advice of this Board that the following Proclamation issue notifying the same.

Maryland ss.

By his Excellency Samuel Ogle Esq^{r} Governor & Commander in Chief in & Over the Province of Maryland.

A Proclamation

Whereas His Most Sacred Majesty in Council bearing date at S^{t} James's the Twenty fourth day of April Anno Domini

1751—hath ordered that in the Morning and Evening Prayers Lib. C. B.
in the Litany, and in all other Parts of the Publick Service as well in the Occasional Offices as in the Book of Common Prayer where the Royal family is appointed to be Particularly Prayed for, the following form and Order should be observed Viz. "Their Royal Highnesses George Prince of Wales the "Princess Dowager of Wales, the Duke the Princesses and all "the Royal Family," In pursuance of which order I do publish this my Proclamation notifying the same to all his Majestys Good Subjects, that in the Several Parish Churches and Other Places of Divine Worship within this Province, in all the Prayers Litanies & Collects for the Royal Family the said Form be Observed: And I Do Strictly charge & Command the Several Sheriffs of this Province to make this my Proclamation publick in the Several Parishes within their said Counties in the usual manner that the most Publick Notice may be had thereof, as they will Answer the Contrary at their p. 458
Peril. Given at the City of Annapolis this Second Day of October in the first year of his Lordships Dominion Annoq Domini 1751.

Ordered that the Clerk of this Board draw an Order on the honble Coł Charles Hammond Treasurer of the Western Shoar payable to M^r^ Henry Walls or Order for Twenty five Pounds Sterling being his years Salary as Armourer of this Province ending 29^th^ of September last to be paid out of the Duty of Three pence ꝑ hh^d^ for Arms &c.

At a Council held in the Council Chamber on Thursday the 24^th^ day of October in the first year of his Ldps Dominion Annoq Dni 1751

Present

His Excellency Samuel Ogle Esq^r^ Governor

The hon̄ble	Benjamin Tasker Esq^r^	Coł Benj Tasker
	Edmund Jenings Esq^r^	Richard Lee Esq^r^
	Coł Cha^s^ Hammond	Bend^t^ Calvert Esq^r^
	Coł Edward Lloyd	

Coł Edward Lloyd and Richard Lee Esq^r^ Members of his Lordships Council now present take the Oaths to the Government appointed to be taken by Act of Assembly and also the Oath of Councillor and subscribe the Abjuration and Test.

Ordered by his Excellency the Governor with the Advice of this Board that the following Proclamation issue to dissolve the Assembly, and that Writts of Election issue to call a new Assembly bearing date the 26^th^ Instant returnable to the 6^th^ of December next.

Lib. C. B. Maryland ss.

By his Excellency Samuel Ogle Esq[r] Governor & Commander in Chief in and over the Province of Maryland

A Proclamation

Whereas the Present General Assembly of this Province
p. 459 Stands Prorogued to the Second Tuesday of November next being the Twelfth day of the same Month And whereas I have received Notification of the death of the Right Honourable Charles Lord Baltimore late Lord Proprietary of this Province whereby the General Assembly thereof became Dissolved, I have therefore thought fit with the Advice of his Lordships Council of State to publish the same and Declare the said Assembly to be Dissolved, And to the Intent that all Persons Concerned may have due Notice thereof I do hereby Strictly Charge and Require the Several Sheriffs of this Province to make this my Proclamation Publick in their Respective Counties in the usual manner as they will answer the Contrary at their Peril. Given at the City of Annapolis this 24[th] day of October in the first year of his Lordships Dominion Annoq Domini 1751

{ Great Seal }

His Excellency having communicated to this Board a Report made to him by the Iustices of the Provincial Court of their having passed Sentence of Death at September Term on a Certain Thomas Bevan for feloniously and burglariously breaking and entering the Mansion house of Charles Cole of Annapolis Merchant with an Intent to rob him; and also on Jane Parker of Ann Arundel County Spinster for feloniously Stealing sundry Goods from Henry Ainsley Planter above the Value of forty Shillings Sterling; And It appearing by the said Report that a Jury of Matrons was Summoned to enquire whether the said Jane Parker was with Child, who brought in their Verdict that she was with quick Child It is therefore the Advice of this Board to his Excellency that He be pleased to grant a Pardon to the said Jane Parker; And It also appearing that the af[d] Thomas Bevan was a notorious Offender, his Excellency was pleased to order with the Advice af[d] that Dead Warrant issue for his Execution on Friday the first day of November next.

His Excellency is pleased to lay before this Board the following Letter from M[r] Christopher Gist

Frederick County Maryland Sept^{r} 14th 1751. Lib. C. B. p. 460

May it Please your Excellency

As I happened to be at Col. Thomas Cresaps when a Company of Indian Warriors of the Six Nations came there; They killed his Hoggs, took his Corn, Flour and Bread, killed a Beef he being in a Passion with them threatened to Shoot among them at Night when they were Dancing a War dance. But the Traders and I prevailed with him not to Shoot. I proposed a Parley with them and I shewed them the Hardships Thomas Cresap Suffered by their killing his Creatures. a head Captain Said it was no hardship for their Brother Togerahogan (meaning your Excellency as Governor of Maryland) Paid Cresap for all the Provisions they destroyed at his House, which he affirmed was false, that he never was Paid, upon which four Captains made the Speech which your Excellency has here Inclosed in this Letter, and as I had Carried a Message from the Government of Virginia last year to the Six Nations and other Indians on the River Ohio: These Warriors was glad I was here to write for them. And hope your Excellency will Regard it as a thing of Consequence, which Concludes me

Your Excellencys
Most Humble Servant
Christ Gist

To his Excellency Sam^{l} Ogle Esq^{r}
Governor & Commander in Chief in
and Over the Province of Maryland

This is to Certify that we the Subscribers happening to Come to Col. Thomas Cresaps when four Captains of Indian Warriors with their men Consisting of fifty or thereabouts Campt in said Cresaps Pasture they killed several of his Hogs, took his Corn Flour and Bread, which made the said Cresap fall into a Passion & threaten to Load his Guns and Shoot among them at Night however we persuaded him not to do such a thing and as there was one of the Traders that could Speak their Tongue very well We desired the Indians to Speak to the Governor of Maryland which they have here done according to the Within Wittness Our hands

James Martin Christ Gist
his
Septem^{r} 14th 1751. John M Miller Michael Aldridge
mark

Brother Tograhogan p. 461

We are Sorry to find that we are under this Necessity of making this Complaint to you which has happened at a Time

Lib. C. B. when we met a proper Person to be an Interpreter between us and our brother Cresap who has of late Seemed angry with us and we did not know for what and finding he did not give us Victuals so chearfully as usual our Young men went out and killed Sundry of his Hogs at which he flew into a Passion with us and had it not happened that there was a Proper Interpreter who told us that our Brother Tograhogan did not Pay for the Victuals which they took and was Promised to be given us at the Treaty of Lancaster on our Travels to and from War therefore we refer you to the Treaty, and as the White People has killed up the Deer, Buffelos, Elks & Bears there is nothing for us to live on but what we get from the White people and having no White People on the Road from Onondago to Our Brother Cresaps house we are often very hungry and Stays three or four days to Rest ourselves and Our Young men very unruly goes into the Woods and kills Our Brother Cresaps Hogs & Sometimes Cattle Therefore We recommend this to you in hopes you will do us Justice and Provide for us according to the Treaty, which will prevent any differences that may arise between us & your People.

If any of your People hurts any of us we shall look upon it as if done by you This we Speak now in Publick before our friend Christopher Gist and Several Indian Traders, Who puts their Marks in this Paper to Testify We have told you all this

	his		his
Henry	×		Musk × Ratt
	mark		mark
	his		his
Barley	×		The × Ground
	mark		mark

The aforesaid Papers being read and considered of It is the humble Advice of this Board to His Excellency that he be pleased to lay them before the Assembly at their Meeting in Decem[r]

p. 462 At a Council held in the Council Chamber on Wednesday the 30[th] Day of October in the first year of his Lordships Dominion Annoq Domini 1751

Present

His Excellency Samuel Ogle Esq[r] Governor

The honourable { Benjamin Tasker Esq[r] | Daniel Dulany Esq[r]
Col George Plater | Col Benj[a] Tasker
Edmund Jenings Esq[r] | Benedict Calvert Esq[r]
Col Cha[s] Hammond }

Coł George Plater a Member of his Lordships Council now present takes the Oaths to the Government appointed to be taken by Act of Assembly and also the Oath of a Councillor & subscribes the Abjuration and Test. Lib. C. B.

Upon Application made to this Board by Mr John Stevenson of Baltimore County who produced a Power of Attorney to him made by Messrs Jephson and Company Merchants in London Assignees of a certain John Davison Mariner to have a Bond of the said Davisons, which is lodged in the Council Office with Thomas Ireland junr and John Skinner sureties conditioned for the Payment of Two hundred Pounds Sterling to transport Six Negroes or Blacks to the Island of St Iago, delivered up to him for the Benefit of the said Assignees

Upon Consideration thereof It is ordered that the Clerk of this Board deliver the said Bond to the aforesaid Stevenson and take his Receipt for the same

At a Council held in the Council Chamber on Saturday the 14th Day of December in the first year of his Lordships Dominion Annoq Domini 1751

Present

His Excellency Samuel Ogle Esqr Governor

The honourable { Benjamin Tasker Esqr, Coł George Plater, Edmund Jenings Esqr, Coł Chas Hammond } { Daniel Dulany Esqr, Coł Benjamin Tasker, Richard Lee Esqr, Benedict Calvert Esqr } p. 463

The following Address being prepared is read & approved of

To the Right Honourable the Lord Proprietary

The humble Address of your Lordships Governor and Council of Maryland.

My Lord

We beg Leave to approach your Lordship with a perfect Sense of Our Loss by the Death of Our late Noble Lord Proprietary: But We must at the same time express Our Joy in a Succession which from your Lordships many good Qualities and prudent Choice, in so fitly placing the general Superintendency of Affairs during a Minority opens an early Prospect of every happiness which a People can reasonably desire under a just and indulgent Government

That most grateful Regard We owe to the Memory of his late Lordship whose strongest Wishes centered in the Welfare of this Province, and Our sincere Attachment to your own Person and real Interest engage Us to assure to your Lord-

Lib. C. B. ship Our Zeal in promoting the Honour of this Government and Prosperity of the Country so intimately connected with your Lordships, as well by earnest Endeavours in Our Several Stations, as unfeigned Wishes that a Series of Health and Length of Days to your Lordship may be exceeded only by a Continuance of the Blessings to be derived to Maryland from your Lordships Accession to Its Proprietorship

Sam: Ogle
B Tasker Presid[t]

Read the following Petition of several of the Parishioners
p. 464 of William and Mary Parish in Charles County

To his Excellency Samuel Ogle Esq[r] Governor of Maryland and to the Honourable the Council

The Petition of Some of the Principal Inhabitants and Freeholders of William & Mary Parish in Charles County

Humbly Sheweth

Whereas it appears by the Register of the s[d] Parish that in the year 1692 a Subscription was made by the then Parishioners and other Charitable Persons Amounting to the Quantity of 30300 Pounds of Tobacco, 30000 pounds of which was applyed to the building, Seating and compleating a Church in the said Parish; And by the said Register it also Appears that in the year 1722, an Addition was made to the said Church and Seated, the Expence whereof was 10000 Pounds of Tobacco which was Paid by a Parish Tax, on the then Inhabitants, and that the said Church and Addition have ever Since their first building been supported and Repaired by a like Tax, as Necessity required; And further by Virtue of An Act of Assembly made and Provided in the year 1750 a large Addition has been built finished & Compleated and necessary Repairs made, and Agreed for to the Old Church, to the Amount of 21500 pounds of Tobacco, One half of which Expences are now Paid by a Parochial Assessment Levied, and made, the other half to be made and Levied the Ensuing year by Virtue of the Act of Assembly af[d], and in Conformity to the Contract the Vestry of the said Parish are under; And as not only the first Part of the Church but both Additions are well furnished with 33 Pews besides two Gallerys for the ease and commodious performing Religious Exercises, none of which have ever yet been Assigned or Alloted to any Particular Person or Persons Family or Familys (the Minister only Excepted) but have remained and been used in common by the Parishioners, and others without any Respect to Persons

or Sex which long Experience hath Manifested, Tends very Lib. C. B.
much to the Disturbance, not only of the Minister, but of those
who would devoutly and Reverendly perform their Devotions. p. 465
For the Prevention of which for the future, upon the late
Addition being compleated, and on the Seventh day of Sep-
tember 1751 we the Subscribers, who have for many years
contributed very Considerably to'rds the said Parish Church,
and the afd Expences, and Some of us by far the Most in the
Parish, as the number of Taxables to Our names Severally
annexed will make fully to Appear, conceiving Ourselves both
ill treated and Injured by the Low Class of the Parishioners
and others who assume to themselves (if but one Tax only)
an equal Right with those, who Contribute the most, Per-
sonally applyed to the Vestry of the said Parish Viz. The
Reverend Mr Samuel Clegat the Honourable Richard Lee
Esqr Mr Charles Yates Captain Arthur Lee Mr Richard Smith
Mr Nathan Harris & Mr Thomas Cottrell Vestrymen, Robert
Yates & Edward Ford Church wardens at the usual Place
Convened, and of them Severally Demanded Our Right Viz.
that proper Pews might be Assigned us, wherein we might
Exercise our devotions with Ease and know where to Resort
with our Familys without Interruption, always having a Special
Regard to the quantity of Pews and Numbers of Familys in
the Parish, as well as the Number of Taxables We Severally
Pay for the Numbers our Several familys Consist of, and the
Characters we Severally bear not desiring anyone to be
Excluded or debarred from the Church being very well Assured
of Room Sufficient but only for Decency and Order sake;
upon which Demand the Vestry Answered Viz. For granting
it, The Revd Mr Clegat the Hon̄ble Richd Lee Esqr Mr Nathan
Harris and Mr Robert Yates; For not Granting it Mr Charles
Yates Capt Arthur Lee Mr Richard Smith Mr Thomas Cot-
trell and Mr Edward Ford, who further Answered that We
should not have any other Right than in Common with the
other Parishioners, neither had we any Right to make any
such demand neither would they Admit this our Demand to
be Entered in the Parish Register nor any Proceedings thereon
to Appear

Now May it please your Excellency & Honours We your
Petitioners conceiving Ourselves to be very much Grieved
and Injured by this Proceeding of the Vestry afd Humbly p. 466
Apply to you for Redress in the Premises; The Principal
Objections our opposers make use of, that We have heard are,
That the Church was Originally built by Subscription, that all
Persons there are upon a Level, Distinctions there ought not
to be made nor any Authority Exercised; This is a Doctrine
we apprehend so Strongly Strikes at all manner of Govern-

Lib. C. B. ment that We are Sorry we have cause to Name it, how to Palliate or give reasons for such uncommon Behaviour we should be at a Loss, was it not apparently propagated, and infused into the heads of the Vulgar by a Person in the Parish who makes Popularity his Darling drift and to Appearance looks upon all manner of Government as a Nuisance Expressly declaring that no Regard he will pay to his Excellencys Order touching the Premises; Persons and Familys of the first Rank among us (even of the fair Sex) who cannot Engage with the Robust, often times with difficulty are obliged to Accept of some incommodious Place to Sit down upon when others of a Different Sex & Rank are commodiously Placed who will not give Ear to decency and Order Alledging their Right is Equal to any ones; by this Confusion and irregular behaviour the Service of the Church becomes tiresome to us and the Insults we meet with from a Number of People, who rather chuse to follow their own Giddy fancy than any Order, may easily be conjectured; the Number of Protestant Taxables in this Parish as near as we can Collect is about 500 and the Proportion we bear, may be discovered by the Number of Taxables to Our Names put down

Therefore humbly Pray Your Excellency and Honours to take this our case into your Serious Consideration, we fully conceiving when the Reins of Government in Church as well as State are once departed from a Melancholy Confusion must immediately Ensue especially from the Low part of Mankind,
p. 467 hurryed into wild disorder by their own humors & undigested Reasonings and the Pleasing thoughts of being every Persons Equalls, Humbly hoping your Excellency and honours will be pleased to make and enforce such an Order, that proper Pews or parts thereof in our Parish Church may be Assigned, as well for the Honourable Richard Lee Esq^{r} and his Family, as for us your Petitioners & Familys Agreeable to the Numbers our Familys Severally Consist of, the proportion we pay towards the Support of the Church and the Characters we Severally bear, If a general Regulation, by your Excellency and Honours should not be thought proper

William & Mary Parish	Benj: Fendall	33 Taxables
November 25th 1751.	Geo: Dent	24 Taxables
	Rob^{t} Yates	12 Taxables

May it Please your Excellency & Honours—

I humbly conceive from the present disturbance in the Parish, and the disorders and contentions which frequently happen in & about the Church, that your Interposition in the Premises is absolutely necessary, and that the Gentlemen Petitioners have just cause of Complaint

Sam^{l} Clagett Rect^{r}

Ordered that M^r Charles Yates Captain Arthur Lee M^r Richard Smith and M^r Thomas Cottrell Vestrymen of William and Mary Parish in Charles County and Edward Ford Churchwarden of the said Parish attend this Board on the fourth Tuesday in April next to Answer to the Petition of Some of the principal Inhabitants and Freeholders of the said Parish preferred to this Board in Relation to the Assignment of Proper Pews in the said Parish Church for several of the said Parishioners, And that they have a Copy of the said Petition Lib. C. B.

11^th March 1752

Ordered by his Excellency the Governor that the Present General Assembly of this province which stands prorogued to the first Tuesday in April next be further prorogued to the second Tuesday in May next being the twelfth day of the same Month and Proclamations issued accordingly. p. 468

At a Council held at the House of his Excellency the Governor on Monday the 16^th Day of March in the first year of his Lordships Dominion Annoq Domini 1752.

Present

His Excellency Samuel Ogle Esq^r Governor

The honourable { Benjamin Tasker Esq^r, Edmund Jenings Esq^r, Daniel Dulany Esq^r } Col Benj^a Tasker, Benedict Calvert Esq^r

His Excellency delivers to this Board the Original Certificate of which the following is a true Copy and It was ordered by this Board to be entered in the Council Books, And at the same time appeared Quintin Malcolm and Edmund Jenings jun^r Son of Will^m the subscribing Witnesses to the said Certificate and made Oath on the holy Evangels of Almighty God that they did see the Reverend Alexander Malcolm and John Thompson sign the s^d Original Certificate

We the Subscribers Alexander Malcolm Clerk Minister and Incumbent of S^t Anns Parish in Ann Arundel County in the Province of Maryland, and John Thompson One of the Church wardens of the said Parish do hereby certify that on the twenty ninth day of this Instant December being the Lords Day commonly called Sunday in the Publick Church of the said Parish in the City of Annapolis immediately after Divine Service and Sermon, The Sacrament of the Lord's Supper was administered by the said Alexander Malcolm to and received by his Excellency Samuel Ogle Esq^r according to

Lib. C. B. the Usage of the Church of England Given under Our hands this thirtieth day of December 1751

Witnesses Quinton Malcolm | Alex[a] Malcolm
Edm[d] Jenings jun[r] Son of W[m] | Jn[o] Thompson

p. 469 Ordered that the following Letter be here entered

16 April 1752

Sir

The Governor received a Petition from M[r] John Digges some time Since representing that his Son Dudley Digges was murthered within the Limits of this Province last february by Martin Kitzmiller, his Son Jacob & Others of his Family. The Governors Indisposition, and even dangerous Condition ever Since the Receipt of that Petition has prevented his considering the Matter, nor should I have given you this Trouble, but that upon having Information this day, that the 27[th] Instant is appointed for the Tryal of the said Kitzmiller at York Town, the Governor desired me to consider what is fit to be done

As We are assured the Place where the Fact was committed lyes within the Limits of this Province & Government I hope you will be Pleased to order the Offenders to be delivered to the proper Officers of this Province that Justice may be done agreeable to Law I am

S[r]

Your Most Obed[t] hble Serv[t]

To the honble James Hamilton Esq[r] Benj[a] Tasker
Governor of Pensilvania

At a Council held in the Council Chamber on Wednesday the 29[th] day of April in the second year of his Lordships Dominion Annoq Domini 1752

Present

The hon̄ble Benjamin Tasker Esq[r], Col George Plater, Edmund Jenings Esq[r], Col Charles Hammond, Philip Thomas Esq[r], Daniel Dulany Esq[r], Col Benj[a] Tasker, Benedict Calvert Esq[r]

Philip Thomas Esq[r] a Member of his Lordships Council now present takes the Oaths to the Government appointed to
p. 470 be taken by Act of Assembly and also the Oath of a Councillor and subscribes the Abjuration and Test.

His Excellency the Governor still continuing very ill, the Consideration of the Charles County Petition presented to

this Board on Saturday the 14th of December last is put off until a further Day and Notice is ordered to be given to the Parties, that they shall be acquainted when there is a Day appointed for the hearing Lib. C. B.

Ordered that the present General Assembly of this Province which stands prorogued to the second Tuesday in May next be further prorogued to the first Tuesday in June next being the second Day of the same Month, and Proclamations issued accordingly

Memorandum On Sunday Morning being the third Day of May Anno Domini 1752 His Excellency Samuel Ogle Esqr Governor of this Province departed this Life

PROCEEDINGS

OF THE

COUNCIL OF MARYLAND.

FREDERICK, LORD BALTIMORE,
Proprietary.

BENJAMIN TASKER,
President of the Council.

Maryland ss. Lib. C. B. p. 471

At the City of Annapolis on Monday the 4th Day of May in the second year of his Lordships Dominion Annoq Domini 1752 Appeared in the Council Chamber—

The hon̄ble Benjamin Tasker Esq^{r} President

The hon̄ble { Col George Plater, Edmund Jenings Esq^{r}, Col Charles Hammond } { Daniel Dulany Esq^{r}, Benedict Calvert Esq^{r} }

His Excellency Samuel Ogle Esq^{r} late Governor of this Province being dead and the honourable Benjamin Tasker Esq^{r} taking his Place as President, the several Oaths to the Government appointed to be taken by Act of Assembly of this Province, and also the usual Oaths taken by the Governors of this Province at the times of their Qualification (changing only what is necessary to be changed) and also the following Oath were administred to the said Benjamin Tasker Esq^{r} by the Members of his Lordships Council now present.

I Benjamin Tasker do swear that I will well truely and faithfully execute and discharge the Office and Duty of President in the Administration of the Government of this Province during my Continuance in such Administration.

After taking the several Oaths aforesaid His Honour the President subscribed the Abjuration and Test according to the Directions of the aforementioned Act of Assembly

His Honour the President with the Consent of the Council took the following Oath as Chancellor.

I Benjamin Tasker do swear that as Chancellor and Keeper p. 472 of the Great Seal of this Province I will well and Truly Serve his Lordship the Right honourable the Lord Proprietary of this Province and do equal Right to all his Majestys Subjects to the best of my understanding Skill and knowledge, I shall not debar or hinder the Prosecution of Justice nor take any Gift Bribe reward or fee for the delaying thereof but will behave myself Justly and truly and hear Act Judge Decree and Determine all Matters that shall regularly come before me for Determination according to Equity & Good Conscience according to the duty of my said Office & according to the best of my knowledge during my Continuance in the said Office or untill I shall be by Lawful Authority discharged therefrom

So help me God

Lib. C. B. Advised Resolved and Ordered that the following Proclamation issue

By the honourable Benjamin Tasker Esq^{r} President & Commander in Chief of the Province of Maryl^{d}

A Proclamation

Whereas by the Death of his Excellency Samuel Ogle Esq^{r} late Governor of the said Province, the Administration of the Government thereof is devolved upon me as the first Person named of his Lordships Council: I have therefore by and with the Advice and Consent of his Lordships Council of State thought fit to issue this my Proclamation Notifying the same to all Sheriffs Magistrates and Others his Lordships Officers in this Province; and I do further will and direct that all Officers both Civil and Military execute and discharge the Several Trusts & Duties in them reposed and enjoyned by their present respective Commissions untill such time as they shall Receive directions to the Contrary; & to the End that all Persons concerned may have due Notice thereof I do Strictly charge and require the Several Sheriffs of this Province to make this my Proclamation Publick in their respective
p. 473 Counties in the usual manner as they will Answer the Contrary at their Peril. Given at the City of Annapolis this fourth day of May in the second year of his Lordships Dominion Annoq Domini 1752

At a Council held in the Council Chamber on Tuesday the 5th day of May in the second year of his Lordships Dominion Annoq Domini 1752.

Present

The honourable Benjamin Tasker Esq^{r} President

The hon̄ble { Col George Plater, Edmund Jenings Esq^{r}, Daniel Dulany Esq^{r} } { Col Edward Lloyd, Col Benjamin Tasker, Benedict Calvert Esq^{r} }

The following Bond being laid before this Board by his Honour the President is ordered to be lodged in the Council Office

Maryland ss.

Know All men by these Presents that We Benjamin Tasker Esq^{r} Daniel Dulany Esq^{r} and Benjamin Tasker jun^{r} Esq^{r} of the City of Annapolis in the Province of Maryland are held & firmly bound to his most Serene Majesty King George the Second in the Sum of Two thousand Pounds of good and

Lawful Money of Great Britain to be Paid to Our said Lord Lib. C. B.
the King his heirs and Successors to which Payment well and truly to be made and done We bind Ourselves and each of Us Our and every of our heirs Executors & Administrators for the whole and in the whole firmly by these presents Sealed with our Seals and Dated this fifth Day of May in the Year of Our Lord One thousand Seven hundred fifty and Two.

The Condition of the above obligation is such that Whereas by the Death of his Excellency Samuel Ogle Esq[r] late Governor of the Province of Maryland, the Administration of the Government of the said Province is devolved upon the above bound Benjamin Tasker as first Member of the Council Now if the said Benjamin Tasker shall well and duly Observe the Several Acts of Trade & Navagation and Obey all such p. 474
Instructions as shall be from time to time Sent him from his Majesty or any Acting under his Majestys Authority during his Continuance in the Administration of the Government of the said Province then this Obligation to be void & of no Effect otherwise to remain in full force and Virtue

Sealed & Delivered		Benj[a] Tasker	[Seal]
in presence of	Geo: Plater	D. Dulany	[Seal]
	Edm: Jenings	Benj. Tasker jun[r]	[Seal]
	Edw[d] Lloyd		

His Honour the President communicates to this Board the following Letter

Sir

I have carefully inquired into the unhappy Affair mentioned in your Letter, and I find one Jacob Kitzmiller killed the deceased M[r] Diggs, to the Northward of the Temporary Line, run by his Majestys Order of the year 1738, and that he is now Imprisoned at York to receive his Tryal, as for an Offence committed within that County.

I presume these matters are indisputable, and well known to you, Therefore why you should hope, I could wrest the Offender out of the hands of Justice here, and Order him to be delivered to the officers of your Province for Tryal, merely because you are pleased to alledge the Place where the Fact was committed, lyes within the Limits of your Province and Government, appears to me Some what extraordinary

You have been Misinformed as to the Time of Kitzmillers Tryal, which has not hitherto been appointed: Not through any doubt of Jurisdiction, but the late Severity of Our Weather, and the Necessary Attendance of our Judges in Criminal Affairs at a tedious Supream Court

Lib. C. B. However, in regard to your bare Claim of Jurisdiction I shall Order the Tryall to be delayed for a Reasonable time that your Governm^{t} if they think fit, may disclose to me the Evidence upon which they demand it

Such an afflicting Disaster must now too late Suggest to M^{r} Diggs, very Mournful Reflections, on the imprudence of resorting to Force, though under colour of Law, to gain the
p. 475 Possession of disputed Lands near the Borders; especially at this Juncture, when we have great reason to hope for a Speedy end of all our differences by an Execution of the Lord Chancellors Decree

I am extremely Sorry to hear of Governor Ogle's Indisposition I beg you will please to present my Compliments to him, with my hearty wishes for his Speedy recovery and believe me to be with very Great regard

Sir

Your Most Obedient humble Servant

Philadelphia 24th April 1752 James Hamilton

To Benj^{a} Tasker Esq^{r}

Which being read and considered of, and the following Answer prepared thereto It is the Advice of this Board that the same be sent by his Honour the President to the Governor of Pensilvania

Sir

Althô the messenger, who brought your Dispatch of the 24th of last Month relating to the Cruel Murder of M^{r} Digges Son, was a long while on the road, yet I should have Answered it Sooner, If the condition of our late Governor, whose Death was daily expected and has Since happened, had not Induced me to forbear intermeddling any further in such Affairs, till by that Contingency I should be under the necessity of taking upon me the Administration of the Government.

However true it may be that this wicked Act was to the Northward of the Temporary Line run by his Majestys Order of 1738, yet by the 3^{d} Paragraph of that Order "All other "Lands in Contest between the said Proprietors now Pos- "sessed by or under either of them shall remain in the Pos- "session as they now are (although beyond the temporary "limits hereafter mentioned) and also the Jurisdiction of the "respective Proprietors shall continue over such Lands untill "the Boundaries shall be finally settled. And that the Ten- "ants of either side shall not Attorn to the Other, nor shall "Either of the Proprietors or their Officers receive or Accept "of Attornments from the Tenants of the other Proprietor."

The Inclosed Depositions of Robert Owings & John Lemon Lib. C. B.
Prove that the Spot where Dudley Digges was Murthered p. 476
Had been Surveyed and indeed Patented for Mr Digges the Father under the Authority of this Government some Considerable time before his Majestys Order in Council. That John Lemon upon some Agreement with and under Mr Digges had Possession of it. That Martin Kitzmiller Purchased from John Lemon his work (which I Suppose means his Improvements) on the said Land. That Kitzmiller being told by Lemon, that he (Lemon) had no right to Sell the Land, but that he (Kitzmiller) must buy of Mr Digges, Answered that if he could get Lemons good will in his work he should not Value Digges, for that he would hold it under Pensilvania

I must persume you unapprized of these Facts, when you thought my Expectation of having Kitzmiller the Murderer delivered into the hands of Justice in this Province Extraordinary Since I cannot Harbour the least thought of your Intention to Countenance such Violation of his Majestys Order Indeavoured to be Disguised by a Shallow Artifice of Kitzmiller's getting Possession of Land known at the very time to be taken up & held under Maryland and then declaring he would hold under Pensilvania

Other Witnesses may be had to the same Purpose but as these are full and Express, and the Men of a fair Character It may be needless to trouble you with more at Present, and I hope these will Induce you not to wrest the Offender from Justice (as you Express it) but to Send him into this Province where he can only have a Legal Tryal

I concur in your Opinion of the Imprudence of resorting to Force in order to gain Possession of Lands near the Borders or any where Else, And I am persuaded you will also Joyn with me in discouraging such Practices as Kitzmiller made use of which gave occasion to Force, for the Peace of Our Borders can never be Preserved if once this kind of Doctrine should Prevail, That a Possession once gained by any means is to be maintained at all Events

I am Sir

Your most obedient hble Servt

To the honble James Hamilton Esqr
Governor of Pensilvania

Benj. Tasker

The Deposition of Robert Owings Aged fifty three or there- p. 477
abouts being Sworn on the holy Evangels of Almighty God declares as follows.

Viz. That on or about the 26th day of February last Past this Deponent hearing Mr Dudley Digges was Shot and was much Wounded, near the dwelling Place of a Certain

Lib. C. B. Martin Kitzmiller by the said Kitzmillers Son Jacob, this Deponent went to see the said M^r^ Dudley Digges at the Place where he found him lying in great extremity at the End of the said Kitzmillers Smiths Shop, and in about half an hour after expired. That Several Persons were then at the said Place and by all the Information this Deponent could then and Since have the said M^r^ Dudley Digges died within five yards of the Place where he was Shot. That this Deponent very well remembers he had the directing of the Survey of M^r^ John Digges Land at Canowaga called Digges Choice, and when the Surveyor came first to Run the Lines he did not finish the same, In some time after he came again and began the whole again and finished the Survey for Return, and the very Spot where the afs^d^ unfortunate Murder was committed was both times Included in the said Surveys, And this Deponent further saith that the said M^r^ John Digges had given him Instructions to Settle some Germans within the Lines of his said Survey in pursuance whereof this Deponent did Survey one hundred Acres of said Land for a Certain John Lemon who then went to the said Digges agreed upon Terms and Settled the same which Settlement was Included within the Lines of the original Tract or Survey as well as within the one hundred acres so Surveyed by this Deponent as af^d^ and is the same Place where the af^d^ Martin Kitzmiller now lives and where the af^d^ Murder was Committed. And this Deponent further saith that he believes he had Notice of his Majestys Order for Quieting the Possessions of the Lines dividing the two Governments of Maryland & Pensilvania, as soon as any Person had heard of it in this Province and that he received this Notice from Pensilvania and well Remembers that the last Survey was made a Long time before the Royal Order afores^d^
p. 478 was known here and that the said Kitzmiller had bought the Plantation af^d^ a Considerable time before this Deponent had heard of the Order, and had agreed with John Lemon af^d^ as the said Lemon told this Deponent to Pay the af^d^ John Digges what Money the af^d^ Lemon had agreed and Contracted with the said John Digges for the Land af^d^ And he further Saith that he has frequently heard the said Kitzmiller Say that he would agree with the af^d^ John Digges for the same

Rob^t^ Owings

Sworn to before me this 2^d^ Day of May 1752

Geo: Steuart

The Deposition of John Lemmon Aged forty five years or thereabouts being Sworn on the holy Evangels Declares as follows. Viz.

That about fourteen years ago as near as this Deponent Lib. C. B.
can Remember a Certain Robert Owings laid out two hundred
Acres of Land part of Digges Choice which said Land the
said Owings told this Deponent belonged to M^r^ John Digges,
after the said Deponent had lived about three years on it he
then Sold the said Tract of Land to a Certain Henry Sell and
immediately after that the said Deponent had laid out for him
by the af^d^ Owings One hundred Acres more of the same Tract
or Parcell of Land called Digges Choice where a Certain
Martin Kitzmiller now lives the said Kitzmiller having bought
In about a years Time the said Deponents work thereon; tho
at the same time the said Deponent Informed the said Kitz-
miller that the said Deponent had no Right to Sell the said
Land but he must buy of the said John Digges upon which
the said Kitzmiller told this Deponent if he could Get his
good will in his work he should not Value said Digges for
that he wou'd hold it under Pensilvania, and further this
Deponent Declares that about Seven or Eight Months Past as
this Deponent was Passing to the said Digges Quarter on the
same Land to do some Business when he this Deponent called
at a Certain Peter Olers who told this Deponant that he under-
stood the said John Digges was Coming to Survey Some
Lands for a Certain Jacob Banker that he the said Oler at the
same time told this Deponent that the said Digges had no P. 479
Land there, but all that belongs to Pensilvania that he the
said Oler went then with this Deponent to the above men-
tioned Kitzmillers near which Place the said Digges was
Expected to come that Day to Survey Land for the af^d^ Banker,
at which time the said Oler declared to this Deponent that he
would with a Club or Stick knock the said Digges down &
drive him away and the said Kitzmiller Swore he would Shoot
and Kill the said Digges if he offered to Survey that Land,
this Deponent asked the said Oler & Kitzmiller whether he
should tell the said Digges, to which they both Answered yes,
he might go and tell the said Digges, And further this Depo-
nent Says that he the said Oler told this Deponent that he
was Informed by a man from Rock Creek, the said Digges
had lost all his Land that the Assembly had taken it from him,
And further Saith not.

Taken before us the Subscribers two of his Lordships Justices
for Baltimore County this 18^th^ Day of July Anno Domini 1746

W Young
Sam^l^ Owings

At a Council held in the Council Chamber on Wednesday
the Sixth Day of May in the 2^d^ year of his Lordps Dominion
Annoq Dni 1752

Lib. C. B.

Present

The honourable Benjamin Tasker Esq^{r} President

The hon$\bar{\text{ble}}$ { Col George Plater, Col Cha Hammond, Daniel Dulany Esq^{r}, Col Edward Lloyd } { Col Benjamin Tasker, Richard Lee Esq^{r}, Benedict Calvert Esq^{r} }

The following Resolution of this Board being drawn up & approved of is Ordered to be Entered

In Order to prevent any Defect or Delay in the Adminis-
p. 480 tration of Justice during the Administration of the Government by His Honour the President This Board doth advise consent and desire his Honour the President when and as often as there shall be Occasion to appoint proper Persons to be Magistrates Sheriffs Coroners and other known Officers any way relating to the ordinary Administration of Justice, and other known inferior Ministerial Officers usually appointed by the Governor of this Province for the time being.

His Honour the President having communicated to this Board a Report made to him by the Justices of the Provincial Court of their having passed Sentence of Death at April Term upon a certain Thomas Hornebrook & William Grindey for Horse Stealing, James Powell for a Felony and Burglary, and George Wilson for Murder, and It appearing by the said Report that the Evidence against Grindey did not appear clear and Satisfactory to the Court to convict him of the Crime laid to his Charge It is therefore the Advice of this Board that his Honour be pleased to grant his Lordships Pardon to the said Grindey upon his leaving this Province; And It is also ordered with the Advice af^{d} that George Wilson be hung in Chains in S^{t} Marys County as near as may be to the Place where the Fact was com̄itted and that Thomas Hornebrook be executed in Baltimore County on Friday the 15th Instant, and that James Powell be executed in Ann Arundel County the same Day.

At a Council held in the Council Chamber on Thursday the 18th day of June in the 2^{d} year of his Lordships Dominion Annoq Dni 1752.

Present

The honourable Benjamin Tasker Esq^{r} President

The hon$\bar{\text{ble}}$ { Col George Plater, Edmund Jenings Esq^{r}, Col Charles Hammond, Samuel Chamberlain Esq^{r} } { Daniel Dulany Esq^{r}, Col Edward Lloyd, Col Benjamin Tasker, Benedict Calvert Esq^{r} }

Upon reading the Petition of several of the Parishioners of William and Mary Parish in Charles County preferred to this Board on the 14th Day of December last, and Both Parties being this Day heard; It appears The Pews or Seats in the said Church not being allotted to the Use of particular Persons, there was a Meeting of the Church Wardens and Major Part of the Vestry of the said Parish on the 8th Day of this Instant Iune, when towards a Reconcilement of the several Parties concerned and Satisfaction of the Parish They proceeded to regulate and allot Seats in the said Church to the several Freeholders and their Families in the said Parish; After which Eight Seats together with the Two Galleries still remained Vacant; But after such Allotment and Regulation The Majority of the said Vestry refused to sign the same in order to present it to this Board for their Confirmation This Board taking the whole matter under their Consideration are of Opinion That from the Usage of the established Church of England and for the Preservation of Order and Decency, And that Divine Service may not be interrupted by a promiscuous Use of and Disturbance of Each Other in the said Pews and Seats It is necessary the Seats and Pews in the said Church should be regulated and particularly appropriated Therefore This Board doth order direct and adjudge That the several Pews in the said Church marked and numbered 1, 2, 3 &c according to the Plan or Schedule N° (1) hereunto annexed shall be used by, and are hereby appropriated to the several Persons and their Families mentioned and expressed in the Schedule marked (N° 2) also hereunto annexed; But forasmuch as It has been suggested to this Board that several Tenants & their Families by the afd Regulation will not be provided with Seats It is therefore further Ordered and Directed That the Pews numbered, 11, 12, 13, 17, 19, 20, 21 and 22 and which by the aforesaid Regulation are left Vacant together with One or Both of the said Galleries shall be appropriated by the Church wardens and Vestry of the said Church to the Use of such Tenants and their respective Families.

Lib. C. B. p. 481

p. 482

Schedule N° 1

		ft	in		ft.	Inc.	
N° 1.	A Pew	7:	6	by—	4:	6	
2.	D°	10	—	by	4..	6	
3	D°	7..	6	by	4..	6	
4	D°	10:		by	4:	6	
5, 6, 7	D°	9:	9	by	4:	—	Each

Lib. C. B.

8	The Ministers Pew						
9	A Pew	9:	9 by	4:	5		
10	D°	9:	9 by	4:	7		
11	D°	9:	9 by	3:	—	A single Pew	
12	D°	9:	9 by	2:	6	D°	
13	D°	9:	9 by	4:	6	A Double Pew	
14 15 16	D°	9:	9 by	4:	3	Each	
17	Open Seats						
18	A Pew	9:	9 by	4:	6		
19	D°	9:	9 by	2:	9	A Single Pew	
20	D°	9:	9 by	3		D°	
21	D°	9:	9 by	3:		D°	
22	D°	9:	9 by	2:	6	D°	

N° 23 to 33 9 feet by 4½ D° except N° 20 which is 9 f^t^ by 3½ in the New Addition
N° 34 Gallery over the End in that New Addition
N° 35 Gallery over the West End of the Old Church
36 & 37 The Two Stair Cases.

Schedule N° 2.

Charles County.

At a Meeting of the Vestry of William and Mary Parish in the County aforesaid on the 8^th^ Day of June 1752 at the said Parish Church were present—

p. 483 The Reverend

M^r^ Sam^l^ Clagett, M^r^ Thomas Cottrell, M^r^ Richard Smith, M^r^ Edward Ford, M^r^ Nathan Harris, M^r^ Charles Bruce } Vestrymen

and

M^r^ John Marshall Church warden

Who unanimously proceeded to regulate and assign the Pews in the s^d^ Parish Church to the several Persons hereafter put down in the following Manner, the Numbers of the Pews to the respective Names put down, having Relation to the Numbers in the Platt hereunto annexed Viz.

To the honourable Richard Lee Esq^r^	the Pew N°	1
M^r^ Benjamin Fendall & his Son John	D°	2
M^r^ W^m^ Courts, Elizabeth Courts & W^m^ Penn	D°	3
Col George Dent and his Son George	D°	4
Richard Smith his Sons, and Thomas Cottrell	D°	5
Barton Warren and Edward Ford	D°	6
Charles Yates John Wilder & his Son John	D°	7

The Ministers Family for the time being	D°	8 Lib. C. B.
James Latimore, Philip Jenkins, Jn° Jenkins & Benj. Douglass.		9
Atwick Fearson, Jn° Farr, Geo. Scroggin & Benj[a] Thomas.		10
Notley Maddox, Sarah Maddox, Ann Smoot & Edw[d] Smoot		14
Joseph Joy, Judith Penn, and Notley Dutton		15
Thomas Bates, John Douglass, John Hamil & Jane Penn		16
Francis Poesy, Harrison Musgrove, Charles John & Benj. Philpot.		18
Authur Lee, Rebecca Howard Jn° Marshall & Rich[d] Marshall		23
Joseph Douglass Nathan Harris Mary Brandt		24
Joseph Gwynn and Benjamin		25
Mary Marshall Henry Thompson Posthumus Grove & Ja[s] Plant.		26
William Dent & Walter Hanson for their Tenants		27
Moses Hubbart John Cavin Jn° Wakefield & Sam[l] Chunn.		28
Robert Yates Charles Bruce & Robert Yates jun[r]		29
Barton Hungerford & his Sons		30
Rob[t] Maislin, Tyre Thomas, Widow Thomas & Richard Ratcliff.		31
Thomas Hatton, William Cage Samuel Gody and John Chun		32
Geo: Elgin Patience Posey, JacobAnd[w] Minitree W[m] Guy & Sarah Martin.		33

N° 11, 12, 13, 19, 20, 21, 22 left in common for Tenants & Others not being Freeholders.

N° 17 . . . . for such young Persons that may sing.

Read the following Petition p. 484

To the honourable Benjamin Tasker Esq[r] President and the hon̄ble the Council of the Province of Maryland

The Petition of Robert Blunt of the Parish of Christ Church in Queen Anns County on the behalf of himself & Other the Parishioners of the said Parish.

Humbly Sheweth

That Whereas the Rector Vestrymen Churchwardens and sundry Parishioners of the said Parish by their humble Petition to the General Assembly of this Province seting forth and representing that their Parish Church was not only too small

Lib. C. B. for the Congregation which usually resorted thereunto quietly and commodiously to perform their religious Exercises but was also very much out of Repair and prayed that an Act might pass for the Assesment of 37100 Lw^{t} of Tobacco on the taxable Inhabitants within the said Parish for repairing and enlarging the said Church And your Petitioner further sheweth that in Consequence of their said Representation An Act did pass for the purposes abovementioned empowering and requiring the Justices of Queen Anns County on the Application of the Vestry and Churchwardens of the said Parish to assess and levy upon the taxable Inhabitants thereof 37100 £ of Tobacco and the Salary of 5 p Cent to the Sheriff for collecting the same at three equal Assesments which said Sum of 37100 £ of Tobacco the said Act appointed the Sheriff of Queen Anns County to collect in the same Manner as other Publick Dues are collected and to pay the same to the Vestry & Churchwardens to apply the same to the repairing and enlarging the said Church in such manner as to them should seem most necessary and convenient and to no other Use or Purpose whatever. And your Petitioner further sheweth that the Vestry and Churchwardens of the said Parish did in pursuance of the above recited Act apply to the Justices of Queen Anns County to assess and levy the above Quantity
p. 485 of Tobacco as by the said Act is directed That the said Justices upon the said Application did accordingly levy and assess the aforesaid Quantity of Tobacco that the same was collected by the Sheriff aforesaid as appointed by the said Act and paid by him to the Vestry and Churchwardens of the said Parish And your Petitioner further sheweth that on the twenty first Day of May 1748 before the said Act passed, the Vestry of the said Parish met and contracted with M^{r} John Smith for the building an Addition to the said Parish Church for the Enlargement thereof and to pay him at three equal Payments 35000 £ of Tobacco upon Condition that the Assembly would assess the same as by the Proceedings of the said Vestry ready to be produced and to which your Petitioner for greater Certainty craves leave to refer may more fully appear. And your Petitioner further sheweth that after the said Act passed as afores^{d} the said John Smith proceeded to and finished the Building of the said Addition according to the Contract aforesaid And your Petitioner further sheweth that the said Smith not being obliged by the said Contract to build Pews in the said Addition or to repair several Pews in the Old Building that much needed It The Vestry of the said Parish met on the second Day of May 1750 and came to an Agreement with One Thomas Barnes to build the Pews wanting in the said Addition and to repair the Pews that needed

it in the Old Building and contracted with the said Barnes to Lib. C. B.
pay him for Each New Pew 400 £w^{t} of Tobacco after the
building thereof And your Petitioner further sheweth that
when the said Pews were finished the Vestry of the af^{d} Parish
by Advertisement in Writing gave Notice to the af^{d} Parish-
ioners that they would meet on the fourth day of June 1750
and dispose of the af^{d} new Pews by Lott & at the time ap-
pointed for the disposing of the said Pews the Parishioners
met and the Doors being open sundry of them went into the
Church But the Vestry ordered All of them to withdraw and
having cleared the Church of the said People shut up the p. 486
Doors, and Each of the said Vestry proceeded to chuse a Pew
for himself which he thought most convenient and commo-
dious and then acquainted the Parishioners that They and
Each of them had chosen a Pew for himself and would proceed
to dispose of the remaining Pews, and accordingly did proceed
to dispose thereof allowing One Pew to Two Families and
exacting for Each Pew 550 £w^{t} although It was built at the
Expence only of 400 £w^{t} of Tob^{o} And your Petitioner further
sheweth that the Parishioners of the said Parish being very
numerous and the said Vestry taking Each for himself an
entire Pew many of the said Parishioners who have contrib-
uted to the Charge and Expence of building the aforesaid
Addition and repairing the Old Church have no Benefit or
Convenience thereby which Proceedings of the aforesaid
Vestry your Petitioner conceives are arbitrary & unjust and
therefore on behalf of himself and other the Parishioners of
the said Parish He Humbly prays that your Honours will take
the Premises into your Consideration and give such Redress
as shall consist with Justice and Equity

And your Petitioner shall pray.

Signed by 45 Persons

Ordered hearing on Monday the 22^{d} Instant and that Notice
be given to the Vestry to attend at that time and that the
Vestry have a Copy of the Petition

At a Council held in the Council Chamber on Monday the
22^{d} June in the 2^{d} year of his Lordps Dominion Annoq Domini
1752

Present

The honourable Benjamin Tasker Esq^{r} President

Upon reading the Petition of Robert Blunt preferred to this p. 487
Board at their last Meeting, and Both Parties being this Day
heard, It is the Opinion of this Board that although the Vestry

Lib. C. B. had no Right to dispose of the Pews, yet as the Disposition they have made does not seem to be either unjust in it self nor attended with any Inconvenience It is therefore confirmed and established by this Board.

At a Council held in the Council Chamber on Thursday the 30th day of July in the second year of his Lordships Dominion Annoq Domini 1752.

Present

The honourable Benjamin Tasker Esqr President

The honourable { Edmund Jenings Esqr, Coł Cha Hammond, Daniel Dulany Esqr } { Philip Thomas Esq, Benedict Calvert Esqr }

His Honour the President communicates to this Board the following Letter

Whitehall 15 April 1752

Sir

Four Acts having been passed in the Two last Sessions of Parliament, wherein the British Plantations are concerned Viz.

An Act for regulating the Commencement of the year and for correcting the Calendar now in Use (Anno vicesimo Quarto Georgij 2 Regis)

An Act for continuing the Act for Encouraging the Growth of Coffee in his Majestys Plantations in America, and also for continuing under certain Regulations so much of an Act as relates to the Premiums upon the Importation of Masts Yards & Bowsprits, Tar, Pitch, and Turpentine

An Act for avoiding and puting an End to certain Doubts and Questions, relating to the Attestation of Wills and Codicils concerning real Estates in that Part of Great Britain called
p. 488 England, and in his Majestys Colonies and Plantations in America

An Act to amend an Act made in the last Session of Parliament Entituled An Act for regulating the Commencement of the Year and for correcting the Calendar now in Use

I am directed by my Lords Commissioners for Trade and Plantations to send you the enclosed printed Copies of them for your Information and Government in the several Matters therein contained I am

Sir

Your most Obedt hble Servt

Saml Ogle Esqr Lieut Govr of Maryland. Thos Hill

Ordered by his Honour the President with the Advice of this Board that the following Proclamation issue notifying the same Lib. C. B.

Maryland ss.

By the hon̄ble Benj[a] Tasker Esq[r] President & Commander in Chief of the Province of Maryland.

A Proclamation

Whereas by Order of the Right hon̄ble the Lords Comm[rs] for Trade and Plantations there are transmitted to me Copies of the four following Acts of Parliament passed in the two last Sessions of Parliament wherein the British Plantations are concerned Viz. "An Act for regulating the Commencement "of the Year and for correcting the Calendar now in Use"

"An Act for continuing the Act for encouraging the Growth "of Coffee in his Majestys Plantations in America, and also "for continuing under certain Regulations so much of an Act "as relates to the Premiums upon the Importation of Masts "yards and Bowsprits Tar Pitch and Turpentine:

"An Act for avoiding and puting an End to certain Doubts "and Questions relating to the Attestation of Wills and "Codicils concerning real Estates in that Part of Great Britain "called England, and in his Majestys Colonies and Plantations "in America.

"An Act to amend an Act made in the last Session of "Parliament entituled an Act for regulating the Commence-"ment of the year and for correcting the Calendar now in use"

In Order that the same may be made publick in the usual manner within this Government I have therefore thought fit p. 489 with the Advice of his Lordships Council of State by this my Proclamation to publish the same that All Persons concerned in the several Matters contained in the said Acts of Parliament may duly observe the same And I do strictly charge and require the several Sheriffs of this Province to make this my Proclamation publick in their respective Counties in the usual manner as they will answer the Contrary at their Peril Given at the City of Annapolis this 30[th] Day of July in the second year of his Lordships Dominion Annoq Dni 1752.

His Honour the President communicates to this Board the following Letter

S[r]

Your Letter in Answer to mine of the twenty fourth of last Month, came not to my hands till the fourteenth Instant, to

Lib. C. B. which, I shall now endeavour to reply in the clearest Manner I am able; and in the first Place, I readily acknowledge, His Majesty's Order, confirming the Agreement of your late, and Our present Proprietaries, is the Rule that ought to govern Us; to which I shall, on this, and every other Occasion pay the most chearful and exact Obedience

The third and fourth Articles of the Agreement are

3d Article "That All other Lands in contest between the said "Proprietors now possessed by or under Either of them shall "remain in the Possession as they now are (although beyond "the temporary Limits hereafter mentioned) And also the "Jurisdiction of the respective Propriet^{r} shall continue over "such Lands until the Boundaries shall be finally Settled, And "that the Tenants of either side shall not attorn to the Other, "nor shall Either of the Proprietors or their Officers receive "or accept of Attornments from the Tenants of the other "Proprietor"

4th Article "That as to all Vacant Lands in Contest between "the Proprietors not lying within Either of the Three Lower "Counties and not now possessed by or under Either of them
p. 490 "on the East side of the River Susquehannah down so far "South as fifteen Miles and One Quarter of a Mile South of "the Latitude of the most Southern Part of the City of Phila- "delphia, And on the West side of the sd River Susquehannah "down so far South as fourteen Miles and three Quarters of a "Mile South of the Latitude of the most southern Part of the "City of Philadelphia; the Temporary Jurisdiction over the "same is agreed to be exercised by the Propr^{ys} of Pensilvania "and their Governor Courts and Officers. And as to all such "vacant Lands in Contest between the Proprietors and not "now possessed by or under Either of them on both sides of "the said River Susquehannah South of the respective South- ern Limits in this Paragraph beforementioned The temporary Jurisdiction over the same is agreed to be exercised by the Proprietor of Maryland and his Governor Courts and Officers without Prejudice to either Proprietor & until the Boundaries shall be finally settled.

These Articles, and Order, establish in the Proprietor of Maryland a Jurisdiction over all Lands then possessed by, or under him, although to the Northward of the Temporary Lines, and in the Proprietaries of Pensilvania a Jurisdiction over all the other Lands to the Northward of those Lines

The Fact (to which I think it improper for me to give a Name before a legal Tryal) was committed to the Northward of the Lines, therefore if a Jurisdiction be claimed on the behalf of the Proprietor of Maryland in my Apprehension, It will be necessary, at least, to shew, it was done on some Tract

of Land, at the time of making the Royal Order, possessed by, Lib. C. B.
or under his late Ancestor

As your Claim now, appears founded on the Right of M^r John Digges, and the Possession of him, his Tenant or Tenants under that Right I presume clear Proofs ought to be made

1^st That M^r Digges had Right to Land under Lord Baltimore

2^dly That the Place where the Act was done, lyes within the Limits of that Land

3^dly That M^r Digges, his Tenant, or Tenants were possessed of such Place at the time of the Royal Order

I have perused the Papers inclosed to me as Evidence, & p. 491
with regard to the first Point, cannot find the Authority by which M^r Digges made his Surveys so much as mentioned

As to the second — Whether the Place where the Act was done, lyes within the Limits held by M^r Digges — It seems to me, highly improper to rely on the Memory of M^r Owings, concerning a Transaction so many years ago; when the Matter is capable of Demonstration, by now surveying the Land of M^r Digges according to his Certificate of survey & Patent which I conclude, from the Assertions in your Letter, must be registered in your Land Office. If you please to furnish me with Copies of them, they will not only enable me to satisfy myself on this Point, but the first, by shewing M^r Digges held under the Proprietor of Maryland

As to the third Point. I am at present inclined to think that It is not the manner of dispossessing M^r Digges, before the Royal Order, but his, or his Tenants under him, being in actual Possession, at the time of making it, that can give a Jurisdiction to your Proprietor. It is very probable Art Fraud and Violence were too frequently used amongst the Borderers, concerning their Possessions, and I wish M^r Digges, considering his Misfortune, may be less culpable than the rest of his Neighbours, but to avoid these, and establish future Peace and Tranquility, were the Articles and Order made, by which the Possession of Lands then held under Either Proprietor, however obtained, and their Jurisdiction over such Lands, respectively, were granted and confirmed

Seeing, the Question before Us, is in a Criminal Case, wherein the Life of One of his Majestys Subjects seems immediately concerned (for possibly upon the Jurisdiction, the Nature of the Crime may depend) I must offer it to your Consideration, whether I ought to admit as sufficient Proof, ex parte Depositions taken in your Province, and One of them many years ago upon some other Occasion, or whether Law and Reason do not require, that the Witnesses should appear and depose in this Province, in order to give the Prisoner the Benefit of p. 492
cross examining and counter proving them if he can. I do

Lib. C. B. not, by this, presume to direct in what manner you shall prove your Jurisdiction but let you know, that ultimately I must judge of the Proofs you are pleased to offer, Agreeable to Law according to the best of my Understanding

Further, I request that what ever Papers have been or shall hereafter be transmitted to me, concerning this affair, may be legally certified and attested. Not that I have the least Diffidence of the Honour of your Government, but to avoid the just Censure of Allowing less than Authentick Testimonials in a matter of so great importance.

The part of your Letter which endeavours to account for a peremtory demand of the Prisoner without proofs, is very kind, in presuming me unapprized of Facts done on the borders above one hundred Miles from the City of Philadelphia, and so many Years before I came to the Government, and in declaring you could not harbour the least thought of my intention to countenance such a bold Violation of his Majestys Order. In return I declare I never heard of Kitzmiller or his Dispute with M^{r} Digges untill this Sad Disaster, and now all the fruits I am like to reap from them are my concern for an unfortunate Father and a great deal of anxiety and trouble, Surely all Persons must be unconcerned about the Places of Tryal except for the Sake of Justice, which shall be inviolably observed by me, to the utmost of my Skill and power I am

Sir

Your most Obedient humble Servant

Philadelphia 22^{d} May 1752 James Hamilton

The Honourable Benjamin Tasker Esq^{r}

Which being read and considered of, and the following Answer prepared thereto It is the Advice of this Board that the same be sent by his Honour the President to the Governor of Pensilvania

Sir

My Delay in answering your Letter of the 22^{d} of May but which was not received before the 20th of June proceeded from
p. 493 a Willingness to give you as little Trouble as may be by transmitting to you at once all the proofs which might be necessary to Support Our Claim of Jurisdiction in the place where M^{r} Digges son was murthered. But the Distance which is near 150 Miles from hence has put it out of my Power to prevent many Difficulties and Disappointments which have happened in pursuing my Directions, so that I am under a necessity of making this Answer rather than the Determination of an affair of this Consequence should be

further deferred, especially as I hope you will upon reconsid- Lib. C. B.
ering the proof lately Sent the Additional one of Logsdon now inclosed and the Several Depositions which your Government formerly had from This relative to the Land of M^r^ Digges think my Demand of Kitzmiller Sufficiently justifyed, and that nothing can be thought wanting except the Authenticity of those Depositions of which you imagine to be proper for your own Justification, and shall be forwarded to you as Soon as you Signify in what manner you would have the Copies authenticated; unless you would chuse to have the Originals which properly ought to be lodged here, but however I would upon your desire furnish you with them for your greater Satisfaction

However Cautious and Tender you are not to give a hard Name to a Cruel fact yet Surely the Shooting a man in the Back after he had Intreated not to fire the Gun and when he was Hastening away from the Place and Person Supposed to be offended (thô not the least Violence had been offered) must be ranked under that Species of Crimes which our Law denominates murther, and which the Voice of Nature Humanity and all Civilized Nations Equally declares against and Condemns:

This may partly answer your Hint of a "Possibility that the Nature of the Crime may depend on the Jurisdiction." For I am at a loss to Guess how the Circumstance of Jurisdiction either in the Proprietary of Maryland or Pensilvania or Ownership in Digges or Kitzmiller can alter the Nature or even alleviate the Heinousness of such a Crime, Besides if it could Possibly influence the Case, would not the Prisoner have the full advantage of it on his Tryal when all the Witnesses must be examined Viva Voce and Subject to his cross examination But to pursue your objection a little further permit me to Say that you can hardly persuade me or even yourself Kitzmiller would object to the Iurisdiction of your Courts tho the Witnesses should in the fullest manner prove the Fact comitted within that of this Government, Whereas upon his Tryal in this Province he would not fail to insist at all Events on the p. 494
Incompetency of Ours, So that even upon this inequality of a proper Inquiry and Consideration with regard to the Jurisdiction as far as the Prisoner or indeed the Proprietarys may be concerned the place of Tryal ought to be under this Government

You have pointed out Three Facts necessary to be proved for maintenance of Our Claim Viz.

1^st^ That M^r^ Digges had right to Land under Lord Baltimore

2^d^ That the Place where the Act was done lies within the Limits of that Land.

Lib. C. B. 3d That Mr Digges his Tenant or Tenants were Possessed of such Place at the Time of the Royal Order.

Were the Subject of Dispute a Claim of bounds or Property either between a Proprietary and a Tenant or between Tenant and Tenant and Determinable by the Common Rules of Law your Expectation might be very reasonable, But this Question is concerning a Jurisdiction directed and regulated by a Particular Order of his Majesty, who has been also Pleased to Specifie the Mode and proof of such Jurisdiction Not by Surveys, Plans, and all the disputable Inquirys used in Common Cases, but by one Criterion only, i e, Possesions Had it been otherwise, and that each Government must have proceeded for their Satisfaction on the Point of Jurisdiction by the Plan you have prescribed, what endless uncertainty contention and Confusion would have happened in every Case from the meeting of the People on Each Side of the Borders, in running Lines & proving boundarys We may be Sufficiently convinced by what happens on common Surveys & opposite Interests of the Borderers, So that an Order pursued by your Scheme would rather raise fresh Disturbances and destroy the Peace than prevent the [one] or preserve the other And in this view I presume the Royal Order has only Subjected the Point of Possession to Our Examination, But indeed it has yet taken further care of these two Provinces by the Strict Injunction contained in that Order to the Proprietaries & their Officers not to receive or accept of Attornments from the Tenants of the other Proprietary. You very rightly observe, "That prob- "ably Art Fraud and Violence were too frequently used "amongst the Borderers concerning their Possessions." Even
p. 495 this his Majesty most Graciously Provided against as far as his Royal Commands would Influence the Tenants by Expressly forbidding them on one Side to Attorn to the Proprietary of the Other But however inefficacious such Restraints may prove to the Conduct of the Tenants, we may be assured not the least appearance of Disobedience will be in those who hold the Reins of Government,—In this opinion I again Set before you the Light in which this Transaction Shews itself on the face of the Depositions. That the Spot where Dudley Digges was murdered had been Surveyed for Mr Digges the Father under authority of this Government some considerable time before his Majestys Order in Council. That John Lemon upon some agreement with & under Mr Digges had Possession of it. That Martin Kitzmiller purchased from John Lemon his work (which I suppose means his Improvements) on the said Land. That Kitzmiller being told by Lemon that he had no Right to Sell the Land but that he (Kitzmiller) must buy of Mr Digges answered, that if he could get Lemons

Good will in his work he should not Value Digges for that he would hold it under Pensilvania Lib. C. B.

You have not intimated, nor was it ever pretended that Kitzmiller had any Warrant or Authority from Your Government to Slide himself thus Artfully into Possession so that I must own no Imputation lights there, & Even I would further Believe, that if Kitzmiller had made Use of publick Authority for such an indirect purpose before the Order of Council, his behaviour would have been publickly disavowed by the same Authority after that Order. But as it is, Kitzmiller without any other Sanction than what a Clandestine Contract with Lemon who lived on another mans Land, could give him, obtains Possession. This Possession whilst in Lemon was always considered to be under and be actually taken for Several years preceeding as a Taxable of the Maryland Government, And when Transferred to Kitzmiller Could not make any alteration to the Proprietarys Claim of Jurisdiction whatever might happen in that of M^{r} Digges or Lemons Property; But indeed it must require a rare Stretch of Reasoning to prove, That one getting Possession of anothers Land by an underhand transaction should Divest the first owner of his Claim

You are pleased to Say "That you let me know that Ultimately you must judge of the proofs I shall offer" I Suppose your meaning is not in the utmost Latitude of that Expression. It is true you may against Every proof refuse to make use of the authority of your Government for the Delivery of Kitzmiller into the hands of Justice here, But give me Leave to p. 496 observe that any Proceedings against Kitzmiller Coram non Iudice can neither prevent a due and Legal prosecution of him Elsewhere nor Possibly a higher Examen of the whole matter as well as of our own Conducts

I am so greatly desirous of Disembarrassing you and myself from such disagreeable Subjects of Correspondence that it is with the greatest Reluctance I send Inclosed a Copy of a warrant to Collect Taxes in York County to which the Names of Several Persons (I am told) known Inhabitants under this Government are Subjoined, as the necessity of preventing further disturbances Occasions this mention of it, I trust the same Motives will prevaile with you to have an immediate Inquiry and Stop put to what may Incroach on the Rights of this Government & Derogatory to his Majestys Order.

I had almost forgot to assure you that if you are desirous of having the Persons (whose Depositions are already taken) re-examined here in the presence of any authorized, on behalf of your Government or the Prisoner the same shall be Complyed with upon such reasonable Notice of what time may be

Lib. C. B. proper for the Attendance of any from your Government as that We may have those Witnesses as well as any others ready at some Place in this Province at the appointed time

I am

30th July 1752 Sir

Your Most Obedient humble Servant

To the honourable James Hamilton Esq. | Benj. Tasker.
Governor of Pensilvania |

York ss.

To John Coonse Collector of Hidelberg

These are to require you to collect and receive from the Persons assessed the Several Sums in your Duplicate respectively mentioned, and in Six weeks from the date hereof you are to pay in all such Sums of Money which you shall have Collected to David Mc Conaughey County Treasurer and shall Compleat and pay in the whole and every the Sums afd on or before the first day of April next.

But if any shall neglect or refuse Payment within thirty days after demand made, as afd you are then to Levy the same on the Goods & Chattels of the Person Refusing by Distress and Sale thereof, rendering the Overplus (if any be) to the owner Reasonable Charges being first deducted; But if no distress can be found, and the Person neglects or refuseth to
p. 497 Shew you Goods or Chattels of his own forthwith to Satisfy the money then due with Charges take the Body of the Person so refusing to the County Goal and deliver him to the Sheriff or keeper of the said Goal who shall detain him in Safe Custody without Bail or Mainprize, untill Payment be made and the Constable of your district is commanded to be assisting to you if there be Occasion Fail not at your Peril. dated the Sixth day of January Anno Domini 1749-50

Patt Wattson, Walter Sharp } Commissioners

N° 1	Martin Bayers.	0:	2: 6	N° 14	George Skryer	0:	6: 0
2	Christian Hoover	0:	3: 0	15	Nicholas Furney	0:	2: 6
3	Peter Shults	0:	6: 0	16	Philip Kivefower	0:	3: 0
4	Matthias Ullery	0:	2: 0	17	Jn° Leatherman	0:	4: 0
5	Casper Birkhamer	0:	2: 6	18	Adam Coch	0:	4: 0
6	Philip Sower	0:	2: 6	19	Jacob Verts	0:	2: 0
7	Martin Ungefore	0:	5:—	20.	John Diggs	0:	7: 0
8	John Countz	0:	7: 6	21	Mr Wapeless	0:	3: 0
9	Jn° Morningstar	0:	7: 0	22	Lodowick Shriver.	0:	8: 6
10	Robert Owings	0:	10:—	23	Cornelius M°Guen	0:	2: 0
11	Frederick Shutz	0:	5:	24.	Jacob Prinhard	0:	3: 0
12	Joseph Moor	0:	3: 0	25	Anthony Sill	0:	7: 6
13	Stephen Ullery	0:	7: 6	26.	Michael Will	0:	7: 6

N° 27	Peter Middlecalf	0:	6: 6	N° 34	Michael Beklar	0:	6: 6	Lib. C. B.
28.	David Young	0:	6: 6	35	Robert Whitehead	0:	1: 6	
29	And[w] Hurrier	0:	5: 6	36	Henry Knouf	0:	2: 6	
30	Conrade Ekron	0:	6:—	37	John Shraer	0:	5..—	
31	George Frush	0:	5:—	38.	Andrew Shriver	0:	6: 0	
32	Peter Gerron	0:	1: 0	39	George Coffman	0:	9: 0	
33	Henry Null Doct[r]	0:	3: 6	40	James M[c]Clain	0:	2: 0	
					Total Sum of this Duplicate . .		£9: 10: 0	

The Deposition of John Logsdon aged thirty Six years or thereabouts being sworn on the holy Evangels of Almighty God saith

That when a Certain John Lemon about sixteen or seventeen years past as near as This Deponent can remember settled the Place and built Houses where Martin Kitzmiller now lives, this Deponent then lived in the Neighbourhood of the said Place near Conewago and had lived there for some years before and was well acquainted with John Lemon and afterwards with the aforesaid Martin Kitzmiller

That sometime before the said John Lemon settled the afores[d] Place and had the same surveyed for him (as This Deponent understood) by Order of M[r] John Digges, this Deponent in Company of some Others & particularly amongst whom was Robert Owings, had been riding near the said Place looking for Hogs, and as they came down the Branch, the said Robert Owings told this Deponent or some of his Company, they should now soon get upon M[r] John Digges Land, and at the time he the said Deponent and Company came to, and entered upon a rich Piece of well timbered Land a little distance above the aforesaid Settlement made by the aforesaid Lemon, He this Deponent very well remembers, that the aforesaid Robert Owings told this Deponent and Company they were now upon the said M[r] Digges Land, this was about 18 or 19 years past p. 498

This Deponent further saith that he very well remembers that the af[d] John Lemon built Houses and lived some time on the af[d] Place where this Dep[t] is certain that the Land then shewed this Dep[t] & Others at the time of their Hog hunting as af[d] includes the af[d] Settlement of John Lemon and is where the af[d] Martin Kitzmiller now lives

This Deponent also Saith that some time after the said John Lemon Settled on the aforesaid Place the aforesaid Martin Kitzmiller bought the same and lived thereupon and went to work about Cutting a Race or Water Course for a Mill and at the same time the said Kitzmiller lived in the same houses that were built by the aforesaid Lemon and is now about fourteen Years past.

Lib. C. B. That this Deponent well Remembers that he was informed in a year or two after, that the aforesaid Martin Kitzmiller was treating with the aforesaid Digges to purchase the said Land and had provided about forty Pounds in Money and intended the same for said Digges in order to Secure the said Land but instead thereof this Deponent very well Remembers that the said Martin Kitzmiller as this Deponent was then Informed laid out the said Money to Purchase at a Vendue a Place where a Certain John Stafflemire then Lived and which was then Sold or Soon after, at the Same Time this Depo-
p. 499 nent understood that the said Digges was something disturbed at the disappointment thereof, that likewise this Deponent very well Remembers and at Sundry times was Informed that the said Martin Kitzmiller would Purchase of said Digges and at other times would not but would hold under the Proprietors of Pensilvania and about five years ago this Deponent was present when the aforesaid Martin Kitzmiller came to the said Digges and agreed with the said Digges in the Purchase and to have the same run out and Surveyed for him, to this End this Deponent was Employed to Survey the same and in Company with the late M^{r} Dudley Digges Jacob Banker & Miles Coyle this Deponent did Survey and run the Lines of the same agreeable to a division made and agreed upon between the aforesaid Banker (a former Purchaser of the said Digges) and the aforesaid Martin Kitzmiller. That this Deponent likewise very well Remembers that the aforesaid Martin Kitzmiller Complained that the Land consisted in too much bottom Land and Meadow and that he should not have Plow land enough upon which this Deponent told him he might easily add enough of that Sort by taking of the Prop^{rs} of Pensilvania on which the said Kitzmiller Swore he would have none of Penns Land.

This Deponent further knows and Remembers that the said John Lemon upon his Settling this Land built a dwelling house a Stable or Barn and thinks a third house, but of this Last this Depon^{t} is not Certain, besides Cutting down and Clearing a very heavy Piece of Timbered Land and Fenceing the same in doing of which the said Lemon was at the Expence of Employing a certain John Deerdove to assist him therein, and this Deponent knows the said Lemon paid the said Deerdove towards the Expence thereof two Valuable Young Bay horses which was done by the said Lemon before the said Kitzmiller entered thereupon.

This Deponent further Saith that the said Kitzmiller to the best of this Deponents knowledge hath neither Grubed or Cleared any more Land or Added further Improvements within the said Land Claimed by the said Digges Excepting the Mill a Little Meadow Ground with some Addition to the

Stable or Barn and a little Spring house And further this Deponent Saith not. Lib. C. B. p. 500

Sworn before John Darnall one of his Lordships Justices of the Provincial Court of Maryland June 28th 1752

Ordered that the Bond entered into by Edward Dowrs and James Dick of Maryland Merchant for the Delivery of a Mediterranean Pass N° 67 granted to the said Edward Dowers Mariner and Master of the Brigantine Marlborough and dated the 30th day of May 1750 be put in Suit It appearing to this Board that the said Pass has not been delivered up in this Government, nor any Certificate produced in Order to discharge the said Bond, of It's being delivered up elsewhere.

At a Council held in the Council Chamber on Thursday the 13th Day of August in the second Year of his Ldps Dominion Annoq Dni 1752

Present

The honourable Benjamin Tasker Esqr President

The honble { Col George Plater, Edmund Jenings Esqr, Col Charles Hammond } { Daniel Dulany Esqr, Benedict Calvert Esqr }

His Honour the President communicates to this Board the following Letter

Whitehall April 28th 1752

Sir

We herewith inclose to you an Instruction from their Excellencies the Lords Justices directing and requiring you to cause a true and authentick Copy to be made of all the Laws now in force within the Province of Maryland and to transmit the said Copy to us in order to be laid before his Majesty in his Privy Council, to which you will not fail of Paying a due Regard, So We bid you heartily farewell an are

Your very loving Friends and humble Servants

Dunk Halifax
J Pitt
Dupplin
Charles Townshend

Samuel Ogle Esqr Governor of Maryland.

By the Lords Justices p. 501
Granville P. Gower C P. S
Marlborough Holdernesse

Instructions to Samuel Ogle Esqr Lieutenant Governor of the Province of Maryland in America, or to the Commander in Chief of the said Province for the time being Given at Whitehall the Sixteenth day of April 1752 in the Twenty fifth year of his Majestys Reign

Lib. C. B. Whereas by the Charter granted by his late Majesty King Charles the first to Cecil Lord Baltimore bearing date at Westminster the twentieth day of June in the eighth year of the said Kings Reign, the Province of Maryland in America is given and Granted to the said Lord Baltimore and to his Heirs and Assigns, with Power, by and with the Consent and Advice of the Freemen of the said Province or the Major part of them, to make, constitute and ordain Laws and Ordinances for the good Government of the same; Provided the said Laws and Ordinances be not contrary and repugnant but as near as may be agreeable to the Laws of this Kingdom of England: And Whereas Appeals are frequently brought before his Majesty in his Privy Council from the Judgments and Decrees made in the Several Courts of Judicature within the said Province of Maryland, the Determination whereof depends upon being duly informed of the Laws Subsisting within the Same it is therefore his Majestys Will and Pleasure, and you are hereby directed and required to Cause a True & Authentick Copy to be made of all the Laws and Ordinances now in force within the said Province of Maryland, and to Transmit the same duly authenticated under the publick Seal of the said Province to the Commissioners for Trade and Plantations, as soon as conveniently may be, in order to be laid before his Majesty in his Privy Council.

G P. G C P S M. H.

His Honour the President acquainting this Board that he had procured a Printed Body of the Laws, the following Order was made

His Majesty in Council having directed all the Laws now in force in this Province to be transmitted to the R^{t} hon̄ble the Lords Comm^{rs} for Trade and Plantations in Order to be laid by them before his Majesty in Council It is Ordered that
p. 502 the Attorney General make marginal Notes against the several Acts of Assembly now in print of such as are repealed dissented to or expired by writing the Proper Words in the Margin against such Law.

His Honour the President having laid before this Board the Proceedings under the Commission of Oyer and Terminer and Goal Delivery lately issued to Cecil County, whereby It appears that the Comm^{rs} had passed Sentence of Death on a certain John Batter for Felony and Burglary and that He was a notorious Offender; It is the Advice of this Board that Dead Warrant should issue for his Execution on Friday the 28th Instant

At a Council held in the Council Chamber on Wednesday the 20th Day of September in the second year of his Lordships Dominion Annoq Dni 1752 Lib. C. B.

Present

The hon̄ble Benjamin Tasker Esq^{r} President

{ Edmund Jenings Esq^{r} } Daniel Dulany Esq^{r}
{ Col Charles Hammond } Benedict Calvert Esq^{r}

Read the following Examination of M^{r} Joseph Chew

September 20th 1752

Then came before me the Subscriber One of his Lordships Justices of the Provincial Court M^{r} Joseph Chew of Prince Georges County and made Oath on the Holy Evangelists of Almighty God that on the 8th day of July last past there was Stolen from him One Molatto man one Negro man one Negro Boy and a White Servant man a Horse and Sadle and Sundry other things the Property of the said Joseph Chew who from the Information he has had from Sundry of his Neighbours has Reason and verily believes the af^{d} Slaves Servant and Horse were Stolen by Samuel Chew & John Chew, and the af^{d} Chew further makes Oath that he has Reason to believe from the Information of his Neighbours that the af^{d} Samuel and John Chew do Intend to Return Soon to Maryland with an Intent to deprive him of all that he has in the world and that he is p. 503 Informed and verily believes that they the Chews have Joined Perkins's Gang who is the head of a Band of Thives who frequently make a Practice of Stealing Horses & other things out of this Province and the said Joseph Chew further makes Oath that he heard Samuel Chew Swear that he would Shoot M^{r} W^{m} Digges through the Body if he endeavoured to Apprehend him the said Samuel

Sworn to before
Geo. Steuart

Upon reading the aforegoing Deposition It is Ordered that the following Proclamation issue

By the hon̄ble Benjamin Tasker Esq^{r} Gov and Commander in Chief in & over the Province of Maryland

A Proclamation

Whereas It appears to me that on the 8th Day of July last One Mulatto Man, One Negro Man, One Negro Boy, one White Servant Man A Horse and Saddle and sundry other

Lib. C. B. things the property of a certain Joseph Chew of Prince Georges County, were stolen from him as He has great Reason to believe by a Certain Samuel Chew and Joseph Chew sons of him the said Joseph Chew, and that He is very apprehensive the said Samuel Chew and Joseph Chew together with his son Henry Chew will soon return to this Province and deprive him of all He has in the World In Order therefore that the said Chews may be brought to Justice for the said Offence I have with the Advice of his Lordships Council of State by this my Proclamation thought fit to publish and declare that if any Person or Persons will apprehend the said Samuel Chew Joseph Chew and Henry Chew so as they be brought to Justice for the said Offence such Person or Persons so apprehending them shall receive as a Reward the sum of thirty Pistoles for the same or in proportion for such of them as shall be brought to Justice Given &c

Ordered that the Present General Assembly of this Province which stands prorogued to the second Tuesday in October next be further prorogued to the first Tuesday in December next being the fifth Day of the same month and Proclamations issued accordingly.

p. 504 Read the following Examinations of Stockett Williams and John Ijams

Ann Arundel County ss. The Examination of Stockett Williams of the County af^{d} Planter taken before me the Subscriber one of his Lordships Justices of Ann Arundel County Court this 16th day of September 1752

This Examinant Saith that last Spring Jeremiah Williams came Several times to this Examinants Fathers house and used many Arguments with this Examinant to take Goods out of this Examinants Fathers Store and to let him the said Williams have them telling him this Examinant that they would not be missed, upon which this Examinant did accordingly take out of his said Fathers Store two Remnants of Check Linnen about nineteen Ells of Brown Oznabrigs three Silk handkerchiefs a Pound & a half of Ozn^{a} Thread two or three Scanes of Nims thread and a Remnant of White Linnen which he this Examinant delivered to the said Jeremiah Williams, and in the Month of May last the said Jeremiah Williams Came again to this Examin^{ts} Fathers house (when this Examinants Father and Mother were from home) and asked this Examinant to go home with him, which this Examinant refused, that the said Williams went away from the said

house but Soon returned and brought with him a Bottle of Lib. C. B.
Rum and asked to drink with him which this Examinant did
Several times, and when this Examin^{t} was disguised with the
Liquor the said Williams proposed again to this Examinant
that he should go along with him to his the said Williams's
house, that this Examinant accordingly did go home with him
the said Williams, where he found no Body but John Jones a
Mulatto man who is now in Goal, and the said Jeremiah
Williams Wife, that after this Examin^{t} had Stayed there two
or three hours and drank more Rum this Examinant came
away from the said house in Company with the said Williams
& Jones that after they had got about half a Mile from the
said Williams's house, that said Williams Informed this Ex-
aminant that there was a large Parcell of Goods in the
Ware house at Howards Point that might be easily come
at which belonged to one M^{r} Hall of Prince Georges County
& Proposed to this Examinant that he this Examinant and
the af^{d} John Jones should go along with him and take
them, whereupon they accordingly went to the said Ware-
house, and the said John Jones walked Round the said House
& in a short time called to this Examinant and told him
that the way was clear; that this Examinant went in at a hole
that was made by taking away a large Block from the Gable
End of the said house which was under the door which p. 505
Jeremiah Williams Informed this Examinant was taken away
by John Jones, that immediately after this Examinant had
Entered the Warehouse and before Jeremiah Williams or John
Jones could follow a man that was in the Warehouse Spoke
and asked who was there which caused this Examinant
immediately to make the best of his way out of the said house
and after this Examinant had Informed the said Jones and
Williams that there was a man in the house they went away
together without taking anything out of the said house and as
they were on their return home they put into an old house on
the Plantation of William Hunt Esq^{r} for Shelter from the Rain,
that they had been there but a Short time before the af^{d} John
Jones he Smelt Something and said to Jeremia Williams Come
Master Since we mist of one thing we will have another and
accordingly went into another old house on the Same Planta-
tion where there was Some Sheep and the said John Jones
catched two of the said Sheep which they took away with an
Intent to carry them to the said Jeremiah Williams house but
it Raining very hard they carried the said Sheep into this
Examinants Fathers Kitchen and there killed them (this
Examinants Father and Mother not being at home) that after
they had eat some of the Mutton the said Jeremiah Williams
and John Jones carried the rest away with them (except part

Lib. C. B. of the thigh of one of the Sheep which they had cut some off to eat, that was given by the said Jeremiah Williams to this Examinants Fathers Negroes) That the Tuesday after Whit-Sunday the said Jeremiah Williams John Jones Mark Elliott and this Examinant went up to a Plantation belonging to this Examinants Father at the Eastern Branch of Patowmack and took from the said Plantation upwards of three hundred Pounds of Tobacco & Carried to a Tobacco house belonging to Mary Elliott Mother in Law to the said Jeremiah Williams which Tobacco the said Jeremiah Williams Promised to make this Examinant Satisfaction for, But that Jeremiah Williams Informed the said Mark Elliott that he bought the Tobacco of this Examinant, That some time after the said Jeremiah Williams and John Jones acquainted this Examinant that Major Henry Hall had a large Store of Goods and that they were Sure they had Keys that would open the Locks of the Store house That in the Night he this Examinant and the said John Jones went to the said Halls Store and the said Jones carried with him a large bunch of Keys and with one of the said Keys did unlock the Padlock belonging to the said Store door, But could not unlock a Stock Lock which belonged to the same door that the said Jones Carried a Broad Chizle and ripped off the facings of the said door but could not get the
p. 506 door Open, that afterwards the said John Jones went into an Entry belonging to the said Halls dwelling House and tooke out off the same Entry a Pair of mens thread Stockings and a Small Apron which the said John Jones Carried away with him, The next night the said John Jones and this Examinant went to the house of the af[d] Jeremiah Williams, and the said Williams Informed the said Jones and this Examinant that he had been at John Selmans Store with a Pretence to buy some thread but his design was only to see how things lay, and that he was Sure he had a key that would open the said Selmans Store door, but if it should not the house might be entered by diging a hole under the Sill of the House and Proposed to this Examinant that he should go with him the said Williams and John Jones to break open the said Selmans Store Saying that Selman had drank very much that Day and would Sleep Sound that Night, That Some time after the said Jeremiah Williams Said he was too much in Liquor to go himself and asked this Examinant if he would go with the said John Jones to break open the said Store which this Examinant Refused & told him that he had been too often upon such Business and was resolved not to go any more to which the said John Williams Replyed if he this Examinant did not go it should be the worse for him, that this Examinant and the said John Jones did the same Night go to the said Selmans Store and

with a Spade which the said Jones Carried with him dug a Lib. C. B.
hole under the Sill of the said Store house where they entered
and took thereout a Large Jug of Chery Rum ten or a dozen
Felt hats a Piece of Chints and almost all the other Goods
that were in the said Store which this Examinant and the said
John Jones carried to a Branch near the said Jeremiah Wil-
liams house, and then went and acquainted the said Jeremiah
Williams therewith that the said Williams went with this
Examinant and the said John Jones to the Place where the
Goods were left and took the Piece of Chints and Some Brown
Rolls away with him and left the other Goods hid in the
Branch That the Sunday night after this Examinant went to
the said Jeremiah Williams's house to know what he had
done with the Goods that the said Jeremiah Williams then
Informed him this Examinant that he had Covered them
with Sheeps Skins to keep them from the Wet Weather and
the Same Night this Examinant and the said Williams burried
the Jug of Rum in the said Williams's Garden And the said
Williams Informed this Examinant that as soon as he could
get an Oppertunity of Airing the said Goods he would Pack p. 507
them up in a Cask that some time after he the said Jeremiah
Williams proposed to this Examinant to go with him to Rob
Thomas Elliott Brother in Law to the said Jeremiah Williams,
telling this Examinant that the said Thomas Elliott had a
large quantity of Hogs Lard in his Milk house that accord-
ingly this Examinant and Jeremiah Williams went to the said
Elliotts Milk house which they broke open and took there out
a firkin about half full of hogs Lard a Gordfull of Lard and
Piece of Bacon which the said Jeremiah Williams delivered to
a Negro man called Will belonging to M^{r} Chapman (whom
they had left at some distance from the house to hold their
horses) and ordered the said Negro to carry it to his the said
Williams's house, that the said Negro Will asked the said
Williams who the fatt belonged to to which the said Williams
Replyed, what need you to Care You Dog, it is mine, that the
same Night the said Jeremiah Williams went into the Pasture
of Philip Richardson, and took thereout a Sheep and killed it,
which Sheep the said Williams said was his own and that he
had drove his Own Sheep into the said Richardsons Pasture
the day before. That the said John Jones Informed this
Examinant that when he the said Jones lived in Prince Georges
County he the said Jones and his Brother in Law John Iee
had a Parcell of Keys that they used to keep hid under a
Bush and that with One of the said Keys the said John Jones
did Open the Store door of M^{r} Joseph Belt and took out of
the said Store two or three Pieces of Eight and some Milled
Shillings and that by the help of the said Keys he the said

Lib C. B. John Jones had got into Several Stores at Bladensburgh & Marlborough and taken Goods out of the said Store, that Jeremiah Williams and the said Jones Proposed this Examinant that he should go with them to Rob Joseph Galloway Saying that he had a Great deal of Money and there was but one old Quaker there which they could Soon put out of the way that the said Jeremiah Williams also proposed to this Examinant to go with him to Rob John Ijams's Store and Said he had a key that would fit the Lock of the Store door to a hair and also Informed this Examinant that he had observed where John Ijams had laid his money for that he had been at the Store Some time before to see how things lay and had bought Some Oznabrigs, but this Examinant Refused to go along with him, that he the said Jeremid Williams also Informed this Examinant that John Little Brother in Law to the said Williams had a Good deal of Money that was kept in a small Trunk and that the small Trunk was Locked up in a large Trunk that Stood behind the said Littles door and wanted this Examinant to go with him to Rob the said Little of the Same Money This Examinant further saith that he
p. 508 heard Negro Tom the Slave of the Widow Margaret Gaither tell John Jones before named that he the said Negroe Tom and two or three more as Acute Chaps as himself did breake open the house of Charles Griffith where his the said Griffiths Leather was kept and took some leather out of it, that he was then out of Leather but in a Short time would have a fresh Supply, and that he the said Negro Tom and some others had broke the Store house of M^{r} Richard Gresham at the Land of Ease and had taken Rum some Capes and Several other Goods out of the said Store that he this Examinant heard the said Negro Tom say that James a white Servant to William Chapman jun^{r} Negro Jenny the Slave of William Chiffin and he the said Negro Tom did Intend to rob Several Stores and that he the said Negro Tom Expected by the fall to get Money enough to free himself

Taken before Th: Jennings. Stockett Williams

The Examination of John Ijams Jun^{r} taken before me John Brice the 22^{d} July 1752

This Examinant being accused with Breaking open John Brashears house and Stealing thereout Sundry Goods Confesses that on Tuesday the Seventh of July Instant he was at a Reaping at Zach^{a} Jacob's where Jerom Williams came in the Afternoon & after exchanging a few words the said Jerom asked this Exam^{t} if he was going home who replyed yes and after dinner he took his horse in order to go home and between

said Jacobs's and William Ijams's the said Jerom overtook this Lib. C. B.
Examinant and said to him come go home with me I have
got Some Business to do, this Examinant asked what it was
the said Williams said he would let him know when he got
home this Examinant Pressed him then to know what it was
he wanted the said Jerom Replyed to hire his Horse & Saddle
which this Examinant refused to let him have aledging that
the horse belonged to his Father the said Jerom then desired
this Examinant to go home and get his Own horse for that he
wanted him that Night and accordingly he went and got his
horse and went to said Jeroms house, after he came there the
said Jerom told this Examinant he must go and fetch him
Some goods this Exam^{t} asked him where the said Jerom told
him there would be a fellow soon at his house and that he
would then let him know Soon after one John Jones a Molatto
came to said Williams house and discoursed with said Jerom
Williams Privatly and after a Short time they called this
Examinant to them and told him to go along with them, this
Examinant replyed where the said Williams said that Jones
had lost Some things Just out in the Bushes and he wanted p. 509
to go and look for it and accordingly this Examinant went
with the said Williams and Jones and when they came to the
Bushes Jones told this Examinant he wanted to find Six keys
which he had hid and which if he could not find he should be
ruined and upon this Examinants asking if they were the
Keys of his house he replyed no they were for better uses
and after Searching Some time they returned without finding
any then Jerom Williams asked said Jones where them things
was said Jones Answered they were no bigger than Peas and
bid Jerom Williams af^{d} come along & Jerom desired this
Examinant to go with him which he accordingly did and went
to a Parcell of Bushes out of which said Jones took a large
Jugg wherein was Cherries and Some Rum and drank to
Jerom Williams af^{d} who drank to this Examinant who drank
Some Rum and eat of the Cherries after that the said Jerom
Williams told said Jones & this Examinant to come along with
him & Carried them to a Branch which is near said Jeroms
house and bad s^{d} Jones to go into the Branch to fetch some
thing thereout and requested this Exam^{t} to go with him which
at first he refused to do but afterwards he went & helped to
hand them out, the said Jerom excused himself going into the
Branch because he was Lame the things which the said Jones
handed out of the said Branch to this Examinant and which
he delivered to Jerom af^{d} were a Piece of Check a Piece
of Cotton and Six or Seven felt hats which s^{d} Jerom and said
Jones Carried a Small distance off and hid them in a Glade
and afterwards all three went back to said Jeroms house

Lib. C. B. where a negro Fellow named Sickey belonging to the widow Lockwood was and with whom Jones and Jerom talked Some time after they had done talking Jerom Williams came to this Examinant and told him he must go with Jones for that the Goods Which he had before told him of were Ben: Calverts Goods at Brashears and that he must go with said Jones for them upon which Jones told this Examinant he must go with him for that as he had Seen Some of the Goods already he must go or he would kill him whereupon said Jerom said sho or Pooh go with him for that this Examinant had been accused with Stealing Tobacco and he might as well Steal as not do it Since he was accused of doing it & accordingly he consented and then the said Jerom gave this Examinant an old Jacket of his to wear to prevent his being known which he put over his own Red Jacket and then the said Jerom brought a narrow
p. 510 Chizell and a Gimblet and gave them to said Jones who gave the Gimblet to this Examinant and said Jerom told said Jones to go to Brashears and feel at the door for some old key holes & about a Span above between the holes and the Latch there was a Bolt which he might push Back by boring Some holes and after he had opened the door to go in and upon the Right hand Stood a Chest with a Parcell of very fine Goods and that there was Several Casks in the Chimney one lighter than the Rest which he Supposed had Shoes in it and then the said Jones took three bags one of which this Examinant Carried and when they Came to the said Brashears house this Examinant Stood in the Street and the said John Jones and Negro Sickey went to the door and Jones said I doing it and took out of his Pockett a Clasp Knife and bent it and said he could lift up the Latch and hearing one in the house make Some Noise he Came to the Place where this Examinant Stood and Said I have bent my knife and there is nothing but a Latch I can get in Easy enough and went again with Sickey to the door and putting his knife between the door Post and the door he opened it and went in with Negro Sickey afd and the first thing the said Jones and Sickey brought out was a bundle and opening it they found there in some Plains which they took out and brought away with them there was Sythes and Sneeds and in the same bundle but these they left behind afterwards the said Jones and Negroe Sickey went in again and brought out a large Cask out of which they took two large Copper Tea Kettles one large Bell Mettle Skillet a Spice Mortar & Pestle and Six Candlesticks two of them with large Bottoms and then Negro Sickey afd went in and brought out a Saddle and said Jones a Key which he said he got out of Brashears house from an Inner Room that he had tryed to get Some money but there none he could find and then they went back

& put the things in the three Bags and Came away and Lib. C. B.
Carried the Goods they had taken to a Thickett by Jerom
Williams House & Put them in the Bushes & Negro Sickey
went away with the Saddle which he had taken from the said
Brashears house this Examinant and said Jones went to Jerom
Williams's & Lay under a Cherry Tree whilst they were under
the Tree the said Jones asked this Examinant if he knew how
the Money lay in the Stadt house whether it was kept Signed
or not this Examinant replyed he did not know Jones said if
he did not Jerom Williams did and that he should soon hear
that Some Body had got a great deal of Money and that if
this Examinant would go with him he could get enough at
Marlborough for he was well acquainted with the Stores p. 511
there and likewise at Bladensburgh and that he knew one M^r^
Peters who had a Store distant from any other house and
which was Easy to come at and after this Examinant had
awoke in the Morning the said Jones was gone and Jerom
Williams af^d^ Came out of his house to this Examinant and
asked where Jones was who Replied he did not know and
wished he had never known the said Jerom asked why so this
Examinant answered you know very well what We were
doing last night the said Jerom Replyed come along and
accordingly they went two or three hundred Yards and then
the said Jerom asked this Examinant what he had got this
Examinant answered you know what We have got before now
and then they went to the Bushes where Jones was and then
Jones Shewed the said Jerom the Goods which they had taken
from said Brashears then said Jerom Williams is this what
you have got and then said Jones took up Part of the Goods
and Jerom Williams the Spice Mortar & Pestle and hid them
in the Bushes the said Jerom asked said Jones why he did not
bring other things the said Jones Replyed because they were
gone and then Williams told this Examinant he would keep
the Goods they had brought by him and would Send for Goods
of the like kind in order to Sell those they had Stolen and
afterwards this Examinant asked Jerom Williams where they
got the Cherry Rum which they drank the other night in the
woods Jerom Williams told him that the said John Jones had
Said it came out of Selmans Store whereupon this Examinant
asked said Jones who it was that took it out of Selmans Store
his Answer was it was time enough to know that when he this
Examinant had taken an Oath of Secrecy this Examinant
answered he never would do that This Examinant further
says that whilst he and Jones were under the Cherry Tree af^d^
Jones told him he had been at Colly Beans Store and with a
false Key had opened the door and went in Colly lying at the
same time upon the Counter on Some Rugs that the said

Lib. C. B. Jones told him he took out of the said Store a Hatt & in Coming out he broke a Glass and upon going the next day to know if any thing was missing under a Pretence of buying Some Goods Beans told him the Ratts had broke his Glass & further Saith not

Taken before John Ijams junr
Jno Brice

Upon reading and considering the said Examinations, and It appearing that the Magistrates who took them, at the time
p. 512 of taking the same, promised to intercede for a Pardon for the said Stockett & Ijams upon their making a full and ample Confession so that Jerome Williams against whom there was no other Evidence, might be brought to Justice; It is the Advice of this Board to his Honour the President that He be pleased to order his Lordships Pardon to issue for them which issued accordingly.

At a Council held in the Council Chamber on Wednesday the 11th of October in the second year of his Lordps Dominion Annoq Domini 1752

Present

The hon̄ble Benjamin Tasker Esqr President

The hon̄ble { Col George Plater, Col Cha Hammond, Daniel Dulany Esqr } Col Benj. Tasker, Benedict Calvert Esqr

His Honour the President lays before this Board the following Letter

Philada Septr 28. 1752

Sir

I acknowledge the Receipt of your favour of the thirtieth of July last, with the Deposition of John Logsdon inclosed; and should have returned you an Answer long agoe had not my indisposition and a desire to lay the affair before the Council here for their Opinions and Advice delayed me

I have now laid the whole affair before them & have thereupon received their Opinions and Advice; a Copy of which at large I inclose to you: And as I concur with them in the former I am come to a resolution of following the latter.

I therefore begg leave now to acquaint you, that the Court for the Tryal of Jacob Kitzmiller for killing the late Mr Dudly Digges will be held at York Town in the County of York in this Province on the thirtieth day of October next, where Persons Authorized by your Government if it be thought con-

venient or any others concerned may lay before the Grand and Lib. C. B.
Petit Jurys qualified to Try him, all legal Proofs to Shew the Jurisdiction in this case belongs to the Lord Proprietor of Maryland.

Untill the receipt of your last Letter it was perfectly p. 513
unknown to me that taxes had been assessed or levied by the Commissioners &c of the County of York on any of the Inhabitants, by the Royal Order made Subject to your Jurisdiction, and in order to prevent any thing of that kind hereafter I immediately dispatched Orders to discontinue all Proceedings thereupon if any such had been made being desirous to the utmost of my Power to avoid all Occasions of Contention upon these Points and to Maintain Peace and good Neighbourhood between the two Provinces agreeable to his Majestys Royal Intentions. I am with great Regard

Sir

Your Most Obedient humble Servt

Hon̄ble Benja Tasker Esqr James Hamilton

At a Council held at Philadelphia on Wednesday the 27th September 1752.

Present

The Honourable James Hamilton Esqr Governor

Thomas Lawrence	William Till	Esqrs
Robert Strettell	Benjamin Shoemaker	
Richard Peters	William Logan	

The Governor laid before the Council the following Letters & Depositions received from the Hon̄ble Benjamin Tasker Esqr now President in the Province of Maryland, with his Respective Answers to them, in the Order following desiring their Opinion and Advice, what he ought further to do on the Case mentioned in those Letters.

These are all Entered at large in the Council Minutes

A Letter from Mr Tasker to Governor Hamilton dated 16 April 1752 Governor Hamiltons Answer dated the 24 day of the same Month. President Taskers Letter to Governor Hamilton dated the 5 May 1752

The Deposition of John Lemon and Robert Owings inclosed in the said Lettet of 5 May 1752

Governor Hamiltons Letter to President Tasker of the 22d May in Answer to his of the 5th of May 1752.

President Taskers Letters of the 22d June and 30th July 1752

The Deposition of John Logsdon inclosed in said Letter of 30th July

Lib. C. B. Whereupon the Council having heard debated and Maturely Considered the Premises, Are, from the Express Words of the Proprietaries Ageement Confirmed by the Royal Order, and their Manifest reasonable intention unanimously of opinion

p. 514 That, no Possession at the time of making the Order, of Lands to the Northward of the Temporary Line, can give Jurisdiction to the Proprietor of Maryland over those Lands, unless such Possession was held, by the Proprietor of Maryland, or immediately or mediately under him

That, no right, at the time of the Royal Order, to Lands Northward of the Temporary Line, by or under the Proprietor of Maryland can give a Jurisdiction to that Proprietor over such Lands, unless they were at the time of the Order Possessed by him, or mediately or immediately by others under that Right

And they are further of Opinion

That Supposing M[r] John Digges or his Tenant had Possession of the Land where the Crime was Committed, at the time of the Royal Order, Yet it does not appear, from any part of the Depositions that such Possession was taken or held, by any Warrant or Patent, Power or Authority of any kind whatsoever from or under the late Proprietor of Maryland his Agents or Attorneys;

That such Power or Authority to take or hold Possession of Lands as aforesaid ought Properly to be in writing, and not by words alone

That Seeing the President, in his Letter of the fifth of May last did rely upon it that the Spot where the deceased was killed had been Surveyed (and indeed Patented) to M[r] John Digges under the Authority of the Government of Maryland, some Considerable Time before his Majestys Order in Council, and the Governor by his Answer of the Twenty Second of that Month Requested the President to furnish him with Copys of the Survey and Patent to enable him to Satisfie himself of the Truth of those facts which the President has declined doing and therefore has in effect denied it is reasonable to Conclude the President was misinformed concerning those Facts when he wrote that Letter;

That as it appears by the Depositions, Martin Kitzmiller at the time of the Royal Order, was in Possession of the Close or Tract of Land where the Crime was Committed, claiming in his own Right and disowning the Right of M[r] John Digges and the Proprietor of Maryland, that Possession however obtained, according to the words and Spirit of the Agreement excluded the Proprietor of Maryland from Jurisdiction over the Land;

That supposing Martin Kitzmiller, by his Purchase from,

and Entry under John Lemon, became the legal Tenant of Lib. C. B.
Mr John Digges, & his Possession ought to be esteemed the
Possession of Mr Digges, yet such Possession of Mr Digges,
if it was not taken by or held under some Authority or War- p. 515
rant from the Proprietor of Maryland, as effectually excludes
the Jurisdiction of that Proprietor over the Land, as the Pos-
session of Martin Kitzmiller independent of Mr Digges; and

That, in this Case, where the Jurisdiction to try one of his Majestys Subjects for a Capital Crime, depends on Right to Land, upon which right the Nature and quality of the Offence may Possibly turn it would be highly unreasonable on a Question Concerning the Right in order to determine the Jurisdiction, thô in a Summary manner, to admit for truth Matters deposed out of the hearing of the accused, and without allowing him the just & legal Advantages of either excepting to or Cross examining the Witnesses

Therefore they did unanimously Advise the Governor no longer to Suspend the Tryal of the Prisoner; and did further Advise him with all Speed to let the President know the time of Tryal, that any Persons Authorized by those concerned in the Administration of the Government or any other Persons there, may have Opportunity to lay before the Grand and Pettit Jurys all legal Proofs to Shew the Jurisdiction in this Case belongs to the Proprietor of Maryland, and that if it should be so found the Prisoner may be delivered to the Ministers and Officers of Justice in that Province for Tryal.

The foregoing is a true Extract from the Minutes of the Council of the 27th day of September 1752

Examined by

Richard Peters Secry & Clerk at the Council.

Ordered that the Attorney General attend the Tryal of Jacob Kitzmiller for the Murder of Dudley Digges at York Town in York County on the 30th of October Instant being the Day appointed by the Governmt of Pensilvania for the Tryal of the said Kitzmiller, in Order to insist upon the Tryal being had in Maryland where the Fact was committed & not in Pensilvania.

Ordered that the Clerk of this Board draw an Order on the hon̄ble Col Charles Hammond Treasurer of the Western Shoar payable to Mr Henry Walls or Order for Twenty five Pounds sterl being his Years Salary as Armourer of this Province ending the 29th of Septemr last to be paid out of the Duty of Three pence p hhd for Arms &c.

His Honour the President having communicated to this p. 516
Board a Report made to him by the Justices of the Provincial

Lib. C. B. Court of their having passed Sentence of Death at September Term on Terence Conner of Frederick County Labourer for the Murder of One James Boyle; Mary Perry of Queen Anns County Spinster for Burglary and Felony, and on Negro Joe a Slave of a Certain Sarah Perkins for Burglary and Felony, and that the said Several Facts were fully proved; And by the said Report It further appears that the af^{d} Mary Perry by a Jury of Matrons was found to be with Child but not then quickened as by the Jurys Verdict on Record appears; It is therefore the Advice of this Board that the Execution of Mary Perry be respited, until She be delivered; and It is Ordered with the Advice af^{d} that Dead Warrants issue for the Execution of Terence Connor and Negro Joe on Friday the 20th Instant

22^{d} October 1752

Ordered by his Honour the President that the following Letters be here entered.

Philad^{a} Octob^{r} 17th 1752

Sir

I have sent the Bearer Jonas Osborn express, with directions to apply to your Land Office, for Copies of all Orders Warrants, Certificates of Survey, Patents and other Papers there registred which have been made or issued for the Surveying and Granting the Tract of Land called Digges Choice Situate to the Northward of the Temporary Line: And am to request that you will Please to give your Orders for having them exemplified with all Possible dispatch & Certified under the Great Seal of your Province. I am

S^{r}

Your Most Obedient & Most humble Serv^{t}

Hon̄ble Benj^{a} Tasker Esq^{r} James Hamilton

Annapolis 21 October 1752

Sir

Agreeable to yours of 17th I have given directions to the
p. 517 Proper Officers to make out Copys of the Several Orders, Warrants Certificates of Surveys, Patents and all other Papers relating to M^{r} Digges Survey exemplified as you desire. These I hope will convince you that his Grant was made two years before the Royal Order for the Temporary Line

I have directed this to be done without fee or Reward

I am

Sir

Your Most Obedient humble Serv^{t}

Benj^{a} Tasker

To the Honourable James Hamilton Esq^{r}
Governor of Pensilvania

At a Council held in the Council Chamber on Wednesday the 15th Day of November in the second year of his Ldps Dominion Annoq Dom. 1752 Lib. C. B.

Present

The hon̄ble Benjamin Tasker Esqr President

The hon̄ble { Col George Plater, Edmund Jenings Esqr, Col Cha. Hammond } { Daniel Dulany Esqr, Col Benja Tasker, Benedict Calvert Esqr }

Ordered that the Present General Assembly of this Province which stands prorogued to the first Tuesday in December next be further prorogued to the last Tuesday in February next being the 27th Day of the same Month and Proclamations issued accordingly

His Honour the President lays before this Board a Report made to him by the Justices of Baltimore County Court of their having passed Sentence of Death upon a Certain Negro Harry the Slave of Major Charles Ridgeley of the said County for ravishing and carnally knowing Sabina Cole a Widow Woman of the same County, and It appearing by the said Report that the Negro had been always an orderly Fellow, that He went to the House of the said Sabina Cole where He had a Wife, and that in their Judgment the Evidence was not sufficient to convict him, and therefore recommend him as an Object of Mercy; It is therefore the Advice of this Board that His Honour be pleased to order His Lordships Pardon to issue to the said Negro Harry which issued accordingly p. 518

His Honour the President communicates to this Board a Letter received by him from Henry Darnall Esqr Attorney General which being read is ordered to be entered.

Sr

I embrace this Opportunity to let you know that I returned home from York County yesterday—where I flatter myself I have discharged my Commission agreeable to the Orders I had received

Inclosed is a Copy of the Memorial or rather Petition which I preferred to the Court, and which I hope you will Approve of; I had first drawn it by way of Memorial, But having Some doubts that the Court would Refuse to receive it in that Shape I changed it into the form of a Petition, in the manner you will observe in the Rasures in the Title or Preamble

Upon Presenting this the Court were in Some doubts & appeared to be in some Confusion, it was Publickly Read by their Clerk. I Prayed it might be filed in the Proceedings of their Court, which was Granted, & it was accordingly filed,

Lib. C. B. after some Consultation they offered that I might send any Witnesses to the Grand Jury to Prove the Fact to be Committed in Maryland, I told them that I was obliged to them for their offer, but that I could not accept of it or Refer the Lord Proprietors Right of Jurisdiction to a Jury of Pensilvania and under the influence of their Government, that I was confined by my Instructions to insist that the Prisoner be delivered over to us, and was prepared to give the Court any reasonable Satisfaction to Satisfie them of the Justice and Equity of Our demand. This they alledged was a matter of fact Properly enquirable by a Jury and therefore they Refused to hear it, and Said they would not deliver over the Prisoner

Whereupon I told them, my Commission was ended. The Attorney General desired my assistance in the Prosecution, I told him that as I had denied their Right of Jurisdiction he must excuse my doing any Act which would Shew the least Submission to it, and I conceived that my appearing on the Tryal would in Some measure do So, & therefore waived it

After this I did not think it Proper to be present at the Trial least Some Sinister constructions might be made of my behaviour there

I told them that the Government of Maryland was not in
p. 519 the least concerned for the life or death of Kitzmiller, that was a matter of Great indifference to them, but that they could not Stand indifferent Spectators when his Lordships Right of Jurisdiction was so openly & Violently Attacked

Upon the whole I flatter myself that I have Acted Agreeable to my instructions & your Sentiments

I am Sir

Your Most Obedient humble Servant

To the Honourable Benjamin Tasker Esq^{r} H Darnall
President of Maryland 12 Nov^{r} 1752

A Petition from Henry Darnall Esq^{r} Attorney General of the Province of Maryland Presented to the Honourable the Justices of Oyer & Terminer & Jail delivery now Sitting at York Town in the County of York in the Province of Pensilvania Sheweth that

The Attorney General of Maryland has Orders from the Honble the President and Council of that Province, to declare to this Honourable Court, that the Government of Maryland well hoped that the laudable endeavours of their Government to Preserve Peace and Good Order amongst all his Majestys Subjects Settled on the Borders of the two Provinces, would have answered effectually the desirable purposes of his Majestys most Gracious Order in Council dated at Kensington

on the Twenty fifth day of May Seventeen hundred thirty & eight Lib. C. B.

But that it is with Great concern they have received the News of the disorders which have lately broke out upon the Borders of their Province and this of Pensilvania.

Upon the first Notice of the death of the late M^r^ Dudley Digges who was an Inhabitant of the Province of Maryland and a Gentleman of a good Family, and being Informed that he was killed at a Place in the Possession of a Person or Persons who held it under a Right from the Proprietor of that Province, a very careful enquiry into the Nature of Fact of the Person or Persons who killed him and of all those who were Accessories to the Murder, and of the Place where it was done was immediately made by the Officers of that Government; and upon this enquiry they found that the Place where this cruel Murder was Perpetrated was in Possession under the Right Honourable the Lord Baltimore Lord Proprietor of Maryland, They therefore conceived that it expressly fell within the third Proposition confirmed by the Royal Order af^d^ which p. 520 provides in the words following Viz. "That all other Lands "in Contest between the said Proprietarys now Possessed by "or under either of them shall Remain in the Possession as "they now are altho beyond the Temporary Limits hereafter "mentioned and also the Jurisdiction of the Respective Proprietors shall continue over such Lands untill the boundaries Shall be finally Settled and that the Tenants of either Side shall not Attorn to the other nor shall either of the Proprietors or their Officers receive or accept of Attornments from the Tenants of the other Proprietor

From this enquiry into the Facts and from the just Sense and Obedience the President of Maryland would upon all Occasions Shew to the Orders of his Sovereign, He conceived it became his indispensable duty to inform the Government of Pensilvania that the Murder of the said M^r^ Dudley Digges was Committed within the Jurisdiction of the Lord Proprietor of Maryland and to offer Proofs that the Place where the Fact was done had been included in a Survey made by a Maryland Surveyor before the Date of the said Recited Royal Order in favour of M^r^ John Digges the Father of the deceased in Virtue of a Land Warrant before obtained in the usual & accustomed form by the said John Digges out of the Land Office of the Lord Proprietor of Maryland

Whereupon his honour the Governor of Pensilvania thought Proper to give Notice that the Trial of Jacob Kitzmiller for killing the late M^r^ Dudley Digges was to be had at this Place and on this day and was further Pleased to Signifie that any Persons Authorized by the Government of Maryland, or any

Lib. C. B. others concerned might lay before the Grand and Petit Juries qualified to try him all legal proofs to Shew the Jurisdiction in this Case belongs to the Lord Proprietor of Maryland

Wherefore the President of Maryland willing to do everything on his Part which might manifest an unfeigned and most perfect Obedience to his Majestys most gracious Order, Has in Council thought fit to direct the under written Attorney General to Attend this honourable Court, and has Expressly Charged him to insist that the Trial of the said Jacob Kitzmiller be had in Maryland where the fact was committed & not in Pensilvania of which order he acquitts himself with the Greatest confidence as he conceives that his honour the President demands no more than what the Orders of his Royal Master exact, and hopes that this Honourable Court will the
p. 521 more readily acquiesce in so reasonable and just a Requisition as it is of Publick Notoriety that the said Dudley Digges was Killed at a Place Surveyed under a Maryland Warrant before the date of the said Royal Order of 1738 Possessed under a Maryland Right and that no Attornment or other pretext of Martin Kitzmiller or of any other Person or Persons after the date of the said Order can take away the Right of Jurisdiction from the Proprietor of Maryland, or can in the least prevent the force effect & operation of his Majestys most gracious intentions. Given at York Town in York County on the 30th day of October Anno Dom. 1752

H Darnall Attorney General of Maryland.

At a Council held in the Council Chamber on Friday the second Day of February in the second year of his Ldps Dominion Annoq Domini 1753.

Present

The honble Benjamin Tasker Esqr President

The honble { Col Charles Hammond
Col Benjamin Tasker
Benedict Calvert Esqr }

Ordered that the present General Assembly of this Province which stands prorogued to the 27th Instant be further prorogued to the fourth Tuesday in May next being the 22d Day of the same Month & Proclamns issued accordingly.

At a Council held in the Council Chamber on Monday the 23rd Day of April in the third year of his Lordships Dominion Annoq Domini 1753

Present Lib. C. B.

The honourable Benjamin Tasker Esq^{r} President

The hon$\bar{b}$ble { Col^{o} George Plater, Edmund Jenings Esq^{r}, Col^{o} Edward Lloyd } Col^{o} Benjamin Tasker, Benedict Calvert Esq^{r}

His Honour the President having communicated to this Board a Report made to him by the Justices of the Provincial Court of their having passed Sentence of Death at April Term on John Brown a Convict for a Burglary and Felony by him committed in breaking the House of John Brashears and Stealing from thence sundry Goods two Pistoles and some Sterling Money; and on Daniel Spinks and Charles Campbell both Convicts for a Felony in breaking the Store house of Edward Trafford and stealing from thence some Sterling and Current Money—And also on Thomas Carter for robbing Andrew Rench on the High Way—It is the Advice of this Board that Dead Warrants issue for the Execut^{n} of the af^{d} John Brown, Daniel Spinks, and Charles Campbell on Wednesday the 16th of May next, and that a Pardon issue for Thomas Carter upon his leaving the Province p. 522

At a Council held in the Council Chamber on Wednesday the 16th of May in the 3^{d} year of his Lordships Dominion Annoq Domini 1753.

Present

The honourable Benjamin Tasker Esq^{r} President

The hon$\bar{b}$ble { Edmund Jenings Esq^{r}, Col^{o} Charles Hammond } Col^{o} Benjamin Tasker, Benedict Calvert Esq^{r}

Ordered by His Honour the President with the Advice of this Board that the present General Assembly of this Province which stands prorogued to the 22^{d} of this Instant May be further prorogued to the first Tuesday in July next being the 3^{d} Day of the same Month and Proclamations issued accordingly

At a Council held in the Council Chamber on Wednesday the 20th Day of June in the third year of his Lordships Dominion Annoq Domini 1753

Present

The houourable Benjamin Tasker Esq^{r} President

The hon$\bar{b}$ble { Edmund Jenings Esq^{r}, Col^{o} Charles Hammond, Col^{o} Benjamin Tasker } p. 523

Lib. C. B. Ordered by His Honour the President with the Advice of this Board that the Present General Assembly of this Province which stands prorogued to the third Day of July next be further prorogued to the first Tuesday in August next being the seventh Day of the same Month, and Proclamations issued accordingly.

At a Council held in the Council Chamber on Wednesday the 26th day of July in the third year of his Lordships Dominion Annoq Dom. 1753

Present

The honourable Benjamin Tasker Esqr President

The hon̄ble { Col George Plater / Edmund Jenings Esqr } { Col Charles Hammond / Col Benjn Tasker.

Ordered by his Honour the President with the Advice of this Board that the present General Assembly of this Province which stands prorogued to the first Tuesday in August next be further prorogued to the first Tuesday in October next being the second day of the same Month and Proclamations issued accordingly

p. 524 Articles of Peace and Amity Concluded and agreed upon Between the Right Honourable Charles Absolute Lord and Proprietor of the Province of Maryland and Tom Hill and Robin Chief of the Indian River Indians on behalf of themselves and Indians under their Subjection this 24th day of July 1742

Imprs it is agreed upon that from this day forward to the Worlds end there shall be an inviolable Peace and Amity Between the Right Hon̄ble the Lord Proprietary of this Province and the Chiefs of the Indian River Indian Towns upon Articles hereafter in this treaty agreed upon and that all former Acts of Hostility and Damages whatsoever sustained shall be Turned in perpetual oblivion.

2dly That if any Indian or Indians Subject to the said Chiefs shall hereafter Assault beat or kill an Englishman or plot or Conspire to make war with the English Inhabitants the said Chiefs shall be obliged to deliver such Indians up to the Governor of this Province to Suffer as the English should do for the Like offence.

3dly For as much as the English cannott easily distinguish One Indian from another that no Indian shall Come into any English Plantation painted and that all the Indians shall be bound to call aloud before they Come within one Hundred

Paces of any English mans Clear Ground and lay down their Lib. C. B.
Arms whether Guns Bows and Arrows or other Weapons and move a Distance from them that any English man that shall appear upon their call may take them up and in Case that no one appears that they shall leave their said Arms if they Come nearer and afterwards call aloud to give Notice to the English of their Nearer Approach and if any Englishman shall kill an Indian that shall Come unpainted and give Notice and Deliver up his Arms as aforesaid he shall dye for it as well as an Indian that shall kill an Englishman and in Case the Indians and English meet accidentally in the Woods every Indian shall be bound Immediately to throw down his Arms upon Call and move from them and if an Indian meeting an Eng- p. 525
lishman shall refuse to throw down his Arms upon call as aforesaid he shall be deemed an Enemy so treated as such

4thly That the said Chiefs shall never Joine with the Chicacone Indians in the Choice of an Emperor or Chief or be Subject in any manner to them nor shall they suffer any Indian Subject to them to carry a Gun without License from his Excellency the Governor of Maryland and if any Indian shall be found with a Gun without such License he shall forfeit his Gun and be treated as an Enemy.

5thly The Priviledge of Crabbing Fowling Hunting and fishing shall be preserved to the Indians inviolably

6thly That every Indian that killeth or Stealeth an Hogg, Calf or other Beast or any other goods shall undergo the same punishment that an English man doth for the Like Offence

7thly If any Servants or Slaves Run away from their Masters to any of the Indian Towns within the Territories of the said Chiefs their Subjects shall be bound to apprehend the said Fugitives and Convey them to the next English Plantation to be carried to their Masters and if any Indian aforesaid shall Convey or Assist any such Fugitives in their Flight out of this Province he shall make the respective Master or Mistress of such Servants or Slaves such Satisfaction as an English man ought to do in the Like Case.

8thly That the said Chiefs shall not make any peace with our Enemys nor shall make War without the Consent of the Governor of this Province for the Time being and if they or any of their Subjects shall hurt Jamy Small Hominy or any Indian who hath Lately Confessed a Conspiracy against the English the Guilty person or persons shall be delivered up to be Punished with Death

9thly That if the said Chiefs or any Indians Subject to them shall kill any Indians or any other in peace and Amity with the Lord Proprietary it shall be esteemed as great an Offence as killing an English man

Lib. C. B. p. 526

10thly That neither the said Chiefs nor any of the Indians under their Subjection shall at any Time hereafter keep or entertain among them or within their Fort any Foreign or Strange Indian or know or discover any such to appear or Come into this Province without giving immediate Notice thereof to his Excellency the Governor or some Colo or Magistrate of Note by whom the same may be Communicated with all Expedition to the Governor of this Province for the Time being for his Directions therein and if Such Strange Indian shall endeavour to Induce them to Destroy the White people or do any Mischief they shall apprehend and Deliver such Strange Indian to the English.

11thly That if any Disputes shall arise between the said Chiefs or their Subjects and any other Indian Nation in Maryland that they cannot settle between themselves it shall be referred to the Governor and Council.

12thly That the English and Indians shall hereafter be as one people and Shall Assist each other against all Persons Whatsoever that shall make War with or Attack either of them and if either shall hear that any persons intend to Damage the other notice shall be immediately given of the Danger

13thly That as a farther Testimony of their League Peace and Friendship with his Lordship the Lord Proprietor of this Province and as they expect Protection from him and his Government here the said Indian Chiefs & their Successors shall pay and deliver unto the Colo of Somerset County for the said Lord Proprietor his Heirs and Successors two Bows and two Dozen of Arrows yearly upon the Tenth day of October as an Acknowledgment of his Lordships Dominion over them and as a pledge of peace also.

In Confirmation Whereof his Excellency Samuel Ogle Esqr Governor in Chief of the Province aforesaid in behalf of his said Lordship and Tom Hill and Robin on behalf of themselves and the Indians under their Subjection have Signed hereto in the presence of his Lordships Council and of Several of the
p. 527 Great Men of the Indians the day and year above Written and the Great Seal of this Province whereunto affixed

The Mark × of Tom Hill
The Mark × of Robin Sam: Ogle

Articles of Peace and Amity concluded and agreed upon Between the Right Honourable Charles Absolute Lord and Proprietor of the Province of Maryland &c. and Bastobell John Wittonguis Jeremy Peake and George Rohahaum chiefs of the Asseteagues and Pocomoke Indians on behalf of themselves and Indians under their Subjection this 24th Day of July Anno Domini 1742

Imp^rs^ It is agreed upon from this day forward to the Worlds Lib. C. B.
end there shall be an Inviolable Peace and Amity Between the Right Honourable the Lord Proprietary of this Province and the Chiefs of the Pocomoke and Asseteague Indian Towns upon Articles hereafter in this Treaty agreed upon and that all former Acts of Hostility and Damages Whatsoever sustained shall be Buried in perpetual Oblivion.

2^dly^ That if any Indian or Indians Subject to the said Chiefs shall hereafter Assault Beat or kill an English Man or Plot or Conspire to make war with the English Inhabitants the said Chiefs shall be Obliged to deliver such Indians up to the Governor of this Province to suffer as the English should do for the Like Offence.

3^dly^ For as much as the English cannot easily Distinguish one Indian from another that no Indian shall Come into any English Plantation painted and that all the Indians shall be bound to call aloud before they Come within one Hundred Paces of any English mans Clear Ground and lay down their Arms whether Guns Bows and Arrows or other Weapons and move a Distance from them that any English man that shall appear upon their call may take them up and in Case that no one Appears that they shall leave their said Arms if they Come nearer and afterwards to call aloud to give notice to the English of their nearer Approach and if any English Man shall kill an Indian that shall Come unpainted and give notice p. 528
and Deliver up his Arms as aforesaid he shall die for it as well as an Indian that shall kill an Englishman and in Case the Indians and English meet Accidentally in the woods every Indian shall be bound immediately to throw down his Arms upon call and move from them and if an Indian meeting an English man shall refuse to throw down his Arms upon call as aforesaid he shall be deemed an enemy and treated as such

4^thly^ That the said Chiefs shall never Join with the Nanticoke Indians in the Choice of an Emperor or chief or be Subject in any manner to them nor Shall they Suffer any Indian Subject to them to carry a Gun without License from his Excellency the Governor of Maryland and if any Indian shall be found with a Gun without such License he shall Forfeit his Gun and be Treated as an Enemy.

5^thly^ The Priviledge of Crabbing Fowling Hunting and Fishing shall be preserved to the Indians Inviolably.

6^thly^ That every Indian that Killeth or Stealeth an Hogg Calf, or other Beast or any other goods shall undergo the same punishment that an Englishman doth for the Like Offence

7^thly^ If any Servants or Slaves Runaway from their Masters to any of the Indian Towns within the Territories of the said Chiefs their Subjects shall be Bound to apprehend the said

Lib. C. B. Fugitives and Convey them to the next English plantation to be carried to their Masters and if any Indian aforesaid shall Convey or Assist any such Fugitives in their Flight out of this province he shall make the respective Master or Mistress of such Servants or Slaves such Satisfaction as an English Man ought to do in the Like Case

8thly That the said Chiefs shall not make any peace with our Enemy nor make war without the Consent of the Governor of this province for the time being and if they or any of their Subjects shall kill or Hurt Jemmy Small Hominy or any Indian
p. 529 who hath Lately Confessed a Conspiracy against the English the Guilty Person or Persons shall be Delivered up to be punished with Death

9thly That if the said Chief or any Indians subject to them shall kill any Indians or any other in peace or Amity with the Lord Proprietary it shall be deemed as great an Offence as killing an Englishman

10thly That neither the said chiefs nor any of the Indians under their Subjection shall at any time hereafter keep or entertain among them or within their Fort any Foreign or Strange Indians or know or discover any such to appear or Come into this province without giving immediate notice thereof to his Excellency the Governor or some Colonel or Magistrate of Note by whom the same may be Communicated with all Expedition to the Governor of this Province for the Time being for his Directions therein and if such strange Indian shall Endeavour to Induce them to destroy the white People or do any mischief they shall apprehend and deliver such strange Indian to the English.

11thly That if any Disputes shall arise between the said Chiefs or their Subjects and any other Indian Nation in Maryland that they Cannot settle between themselves it shall be referred to the Governor and Council

12thly That the English and Indians shall hereafter be as one people and Assist each other against all persons whatsoever that shall make War with or Attack either of them and if either of them shall hear that any persons intend to Damage the other notice shall be immediately given of the Danger

13thly That as a farther Testimony of their League Peace and Friendship with his Lordship the Lord Proprietor of this Province and as they expect protection from him and his Government here the said Indian Chiefs & their Successors shall pay and deliver unto the Colonel of Somerset County for the Lord Proprietor his Heirs and Successors two Bows
p. 530 and two Dozen of Arrows Yearly upon the Tenth day of October as an Acknowledgmt of his Lordships Dominion over them and as a Pledge of Peace also

In Confirmation Whereof his Excellency Samuel Ogle Esq^{r} Lib. C. B.
Governor in Chief of the Province aforesaid in behalf of his Lordship and Bastobell John Whittonguis Jeremy Peake and George Rohahaum on behalf of themselves and the Indians under their Subjection have Signed hereto in presence of his Lordships Council & of Several of the Great men of the Indians the Day and Year above Written and the Great Seal of this province is hereunto Affixed

The mark of × Bastobell Sam Ogle
The mark of × Wittonguish
the mark of × Jeremy Peak
The mark of × George Rokahaum

Articles of Peace and Amity Concluded and agreed upon Between the Right Honourable Charles Absolute Lord and Proprietary of the Province of Maryland &c^{a} and Simon and Captain John Indians on behalf of themselves and Indians under their Subjection this 24th day of July 1742.

Imp^{rs} It is agreed upon that from this day forward to the Worlds end there shall be an Inviolable peace and amity between the Right Honourable the Lord Proprietary of this Province and the Chiefs of Broad Creek Indian Towns upon Articles hereafter in this Treaty agreed upon and that all former Acts of Hostility and Damages Whatsoever Sustained shall be buried in perpetual Oblivion

2^{dly} That if any Indian or Indians Subject to the said Chiefs shall hereafter Assault, beat or kill an Englishman or Plot or Conspire to make War with the English Inhabitants the said Chiefs shall be Obliged to deliver such Indians up to the p. 531
Governor of this Province to suffer as the English should do for the Like Offence.

3^{dly} For as much as the English Cannot Easily distinguish one Indian from another that no Indian shall Come into any English Plantation painted and that all the Indians shall be bound to call aloud before they Come within One Hundred Paces of any Englishmans clear Ground and lay down their Arms whether Guns Bows and Arrows or other Weapons and move a Distance from them that any English man that shall appear upon their call may take them up and in Case that no one appears that they shall leave their said Arms if they Come nearer and afterwards call aloud to give notice to the English of their nearer Approach and if any Englishman shall kill an Indian that shall Come unpainted and give Notice and Deliver up his Arms as aforesaid he shall dye for it as well as an Indian that shall kill an English man and in case the Indians and English meet Accidentally in the woods every Indian shall be

Lib. C. B. bound immediately to throw down his Arms upon call and move from them and if an Indian meeting an Englishman shall refuse to throw down his arms upon call as aforesaid he shall be deemed an Enemy and treated as such.

4thly That the said Chiefs shall never Join with the Chicacoan Indians in the Choice of an Emperour or Chief or be Subject in any manner to them nor shall they Suffer any Indian Subject to them to carry a Gun without License from his Excellency the Governor of Maryland and if any Indian shall be found with a Gun without such License he shall forfeit his Gun and be Treated as an Enemy

5thly The priviledge of Crabbing fowling Hunting and fishing shall be preserved to the Indians Inviolably

6thly That every Indian that killeth or stealeth an hog Calf or other Beast or any other Goods shall undergoe the Same punishment that an English doth for the Like Offence

p. 532 7thly If any Servants or Slaves Running from their Masters to any of the Indian Towns within the Territories of the said Chiefs their Subjects shall be bound to Apprehend the said Fugitives and Convey them to the next English Plantation to be carried to their Masters and if any Indian aforesaid shall Convey or Assist any such Fugitives in their Flight out of this province he shall make the Respective Master or Mistress of such Servants or Slaves Such Satisfaction as an English man ought to do in the Like Case

8thly that the said Chiefs shall not make any Peace with our Enemies nor shall make their War without the Consent of the Governor of this province for the Time being and if they or any of their Subjects shall kill or hurt Jamy Small Hominy or any Indian who hath Lately Confessed a Conspiracy against the English the Guilty person or persons shall be delivered to be punished with Death.

9thly That if the said Chiefs or any Indians Subject to them shall kill any Indians or any other in Peace and Amity with the Lord Proprietary it shall be Esteemed as great an offence as killing an Englishman

10thly That neither the said Chiefs or any of the Indians under their Subjection shall at any time hereafter keep or entertain among them or within their Fort any Foreign or Strange Indian or know or discover any such to appear or come into this Province without giving immediate notice thereof to his Excellency the Governor or Some Colo. or Magistrate of note by whom the same may be Communicated with all Expedition to the Governor of this province for the Time being for his Directions therein and if such strange Indian shall endeavour to induce them to Destroy the White people or do any mischief they shall apprehend and Deliver such strange Indian to the English

11thly That if any Disputes shall arise between the said Chiefs or their Subjects and any other Indian Nation in Maryland that they cannot settle between themselves it shall be referred to the Governor and Council Lib. C. B. p. 533

12thly That the English and Indians shall hereafter be as one people & shall Assist each other against all persons Whatsoever that shall make War with or Attack either of them and if either shall hear that any Persons intend to Damage the Other Notice shall be immediately Given of the Danger.

13thly That as a farther Testimony and League Peace and Friendship with his Lordship the Lord Proprietary of this Province and as they expect Protection from him and his Government here the said Indian Chiefs and their Successors shall pay and Deliver to the Col° of Somerset County for the Lord Proprietary his heirs and Successors two Bows and two Dozen of Arrows Yearly upon the Tenth day of October as an Acknowledgement of his Lordships Dominion over them and as a Pledge of peace also

In Confirmation whereof his Excellency Samuel Ogle Esqr Governor in Chief of the Province afsd on behalf of his said Lordship and Simon and Captain John on behalf of themselves and the Indians under their Subjection have Signed hereto in presence of his Lordships Council and of Several of the Great Men of the Indians the day and Year above Written and the Great Seal of this Province is hereunto Affixed

The Mark of × Simon Sam Ogle

The Mark of × Captain John.

Articles of Peace and Amity concluded and agreed upon Between the Right Honourable Charles Absolute Lord & Proprietor of the province of Maryland &c and John Coursey and Chinehopper Chiefs of the Chicacoan Indians on behalf of themselves and Indians under their Subjection this 24th day of July 1742. p. 534

Imprs It is agreed upon that from this Day forward to the Worlds end there shall be an inviolable peace and Amity Between the Right Hon̄ble the Lord Propry of this Province and the chiefs of Chicacoan Indian Towns upon Articles hereafter in this Treaty agreed upon and that all former Act of Hostility and Damages whatsoever sustained shall be buried in perpetual Oblivion

2dly That if any Indian or Indians Subject to the said Chiefs shall hereafter Assault beat or kill an English man or Plot or Conspire to make war with the English Inhabitants the said Chiefs shall be obliged to deliver such Indians up to the Gov-

Lib. C. B. ernor of this Province to suffer as the English should do for the Like Offence

3dly For as much as the English cannot easily Distinguish one Indian from another that no Indian shall come into any English Mans Plantation Painted and that all the Indians shall be bound to call aloud before they Come within one Hundred Paces of any English mans clear Ground & lay down their Arms whether Guns Bows and Arrows or other Weapons and move a Distance from them that any English man that shall appear upon their call may take them up and in case that no one appears that they shall leave their said Arms if they Come nearer and if afterwards call aloud to give notice to the English of their nearer approach and if any English man shall kill an Indian that shall Come unpainted and give notice and Deliver up his Arms as aforesaid he shall dye for it as Well as an Indian that shall kill an English man and in Case the Indians and English meet Accidentally in the Woods every Indian shall be bound immediately to throw down his Arms upon call and move from them and if an Indian meeting an English man shall refuse to throw down his Arms upon call as aforesaid he shall be deemed an Enemy and treated as such

p. 535 4thly That the said Chiefs shall never Claim any Iurisdiction over the Indians of any other Town in Maryland nor shall they suffer any Indian Subject to them to carry a Gun without License from his Excellency the Governor of Maryland and if any Indian shall be found with a Gun without such License he shall forfeit his Gun and be Treated as an Enemy.

5thly the priviledge of Crabbing fowling Hunting and fishing shall be preserved to the Indians Inviolably.

6thly That every Indian that killeth or stealeth an hogg Calf or other Beast or any other goods shall undergo the same punishment that an English man doth for the Like Offence.

7thly If any Servants or Slaves run away from their Masters to any of the Indian Towns within the Territories of the said Chiefs their Subjects shall be bound to apprehend the said Fugitives and Convey them to the next English plantation to be carried to their masters and if any Indian aforesaid shall Convey or Assist any such Fugitives in their Flight out of this Province he shall make the Respective Master or Mistress of such Servants or Slaves such Satisfaction as an Englishman ought to do in the Like case.

8thly That the said Chiefs shall not make any peace with our Enemys nor shall make War without the Consent of the Governor of this Province for the time being and if they or any of their Subjects shall kill or hurt Jamy Small hominy or any Indian who hath Lately confessed a Conspiracy against

the English the Guilty person or persons shall be Delivered Lib. C. B.
up to be punished with death.

9thly That if the said Chiefs or any Indians Subjects to them shall kill any Indians or any other in Peace and Amity with the Lord Propry it shall be esteemed as great an Offence as killing an Englishman

10thly That neither the said Chiefs or any of the Indians p. 536
under their Subjection shall at any time hereafter keep or entertain among them or wthin their Fort any Foreign or strange Indian or know or Discover any such to appear or Come into this Province without giving immediate notice thereof to his Excellency the Governor or some Colo or Magistrate of note by whom the same may be Communicated with all expedition to the Governor of this Province for the time being for his Directions therein and if such Strange Indian shall endeavour to induce them to destroy the white People or do any Mischief they shall apprehend & Deliver such stranger Indian to the English.

11thly That if any Disputes shall arise between the said Chiefs or their Subjects and any other Indian Nation in Maryland that they cannot settle between themselves it shall be referred to the Governor and Council.

12thly That the English and Indians shall hereafter be as one people and shall Assist each other against all persons whatsoever that shall make War with or Attack either of them and if either shall hear that any Persons intend to Damage the Other notice shall be immediately given of the Danger.

13thly That as a farther Testimony of their League Peace and Friendship with his Lordship the Lord proprietor of this province and as they expect protection from him and his Government here the said Indian Chiefs and their Successors shall pay and Deliver unto the Collo of Dorchester County for the Lord Proprietary his Heirs and Successors two Bows and two Dozen of Arrows yearly upon the tenth day of October as an Acknowledgment of his Lordships Dominion over them and as a pledge of peace also In Confirmation Whereof his Excellency Samuel Ogle Esqr Governor in Chief of the Province afsd on behalf of his said Lordship and p. 537
John Coursey and Chinehopper on behalf of themselves and the Indians under their Subjection have signed hereto in presence of his Lordships Council and of several of the Great men of the Indians the day and Year above mentioned and the Great Seal of this Province is hereto Affixed

Sam : Ogle

The mark × of John Coursey
The mark × of John Chinehopper

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